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Carceral Camouflage: Inscribing and Obscuring Neoliberal Penality through New York City's Borough-Based Jail Plan

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Introduction

"The Abu Ghraib of New York"

On March 1, 2017, Netflix released its documentary series about Kalief Browder, the Bronx teen who, in 2015, hanged himself after spending three years incarcerated on Rikers Island in New York City.[1] Browder withstood a cumulative two of those years in solitary confinement for allegedly stealing a backpack at age 16. He was never convicted. What's more, he never even went to trial–after three years caged on New York's notorious island jail complex, his case was dismissed.[2] While the systemic corruption, abuse, and violence of Rikers Island has been well documented, inciting rage from incarcerated individuals and their families, from activists, and from concerned onlookers, the release of *Time: The Kalief Browder Story* in March of 2017 spurred renewed and more widespread calls for Mayor Bill de Blasio to close Rikers Island for good.

The tragic tale of Browder's stolen life became a rallying cry for activists and eventually, Browder became a face of New York's criminal justice crisis. Acting as the opening anecdote for article upon article describing the state of horrific violence, neglect, and disarray in the city's jails, Browder's story is now seen as emblematic of both the systemic failings and individualized harms that plague the carceral realm in New York. Such coverage, including the release of the Netflix special, inspired affected viewers and readers to appeal to the public online: "I hope

[1] See *Time: The Kalief Browder Story*. Netflix, 2017. https://www.netflix.com/title/80187052.
[2] Gonnerman, Jennifer. "Kalief Browder and a Change at Rikers." *The New Yorker*, April 14, 2015. https://www.newyorker.com/news/news-desk/kalief-browder-and-a-change-at-rikers; Gonnerman, Jennifer. "Kalief Browder, 1993–2015." *The New Yorker*, June 7, 2015. https://www.newyorker.com/news/news-desk/kalief-browder-1993-2015.

people watching this now understand why we must #CloseRikers. #KaliefBrowder."[3] The energy behind the movement to close the 420-acre island penal colony in the East River was swelling in 2017; the hashtag and campaign to #CLOSErikers was trending. Bill de Blasio, New York's first Democratic mayor since the early 1990s and the self-described progressive who ran on a promise to ameliorate New York's massive and persistent economic inequality was called into the fray, with many tagging @NYCMayor, demanding he respond and follow through on his vows to deliver a more just New York City.[4]

An answer to these calls came on March 31, 2017, when de Blasio vowed to depopulate and close Rikers Island within 10 years. Addressing a press-filled audience at City Hall, de Blasio assured the crowd:

> We are going to end the era of mass incarceration by [closing Rikers]...Today, we've got about 9,500 people in custody in our entire jail system. That number must get down to 5,000 people to allow us to get off of Rikers Island. That's the goal in this whole process–to get our jail population–overall–all of our jails combined–down to 5,000 people. We believe that can be achieved in the next 10 years...it will take a lot of work and a lot of things have to go right in that 10-year timeline to reduce the overall jail population to 5,000–and that allows us to get to a point of complete departure of all inmates from Rikers Island.[5]

The tentative and tepid celebration that followed from proponents of the #CLOSErikers movement was fully extinguished for some only a few months later, when the mayor's office released "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island," its detailed plan to reduce the daily jail population enough, as de Blasio had stated, to close Rikers. The plan,

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[3] #Prisonculture. Twitter Post. March 8, 2017, 10:21PM. https://twitter.com/prisonculture/status/839677534270783488

[4] Ball, Molly. "The Equalizer: Bill de Blasio vs. Inequality." *The Atlantic,* December 2015. https://www.theatlantic.com/magazine/archive/2015/12/the-equalizer/413158/.

[5] "Transcript: Mayor de Blasio, Speaker Mark-Viverito Announce 10 Year Plan to Close Rikers Island." City of New York, March 31, 2017. https://www1.nyc.gov/office-of-the-mayor/news/196-17/transcript-mayor-de-blasio-speaker-mark-viverito-10-year-plan-close-rikers-island.

however, added a crucial new element: closing Rikers would entail *replacing* it with a new system of "borough-based," "modern," and "just" "community jails." For many, replacing a toxic jail with new and disparate ones was not the kind of progressive future the Mayor's vow had originally called upon; it was not what they had envisioned when de Blasio had assured them that closing Rikers was the beginning of the journey for New York "to end the era of mass incarceration."[6] Following this frustration, activists and organizers moved from #CLOSErikers, beginning instead to also call for #NoNewJailsNYC. One organizer made it clear that "the #CLOSErikers campaign [doesn't] support the mayor's proposal... [Rikers is] the Abu Ghraib of New York City. … We don't want Rikers or the culture of violence to be moved from that toxic wasteland into our communities. We don't need 21st-century jails. We need 21st-century communities."[7] Calling upon the entrenched violence of the New York City jail system, activists urge that moving the jail in space will not address these systemic issues, and that the Mayor should instead look to invest in communities rather than jails.

Taking de Blasio's "borough-based jail" plan as its central problematic, this project seeks to understand what it means to "fix" a failed jail system by building new jails within urban neighborhoods. I hope to illuminate how New York City constructs the response to its own criminal justice crisis through reading de Blasio's "Smaller, Safer, Fairer" plan and the array of reports that inspired and support it as examples of the scope and limits of progressive New York politics, and progressive criminal justice reform in particular. Ultimately, I argue, de Blasio's report and its accompanying plans–spanning jail design and architecture, neighborhood

[6] City of New York, "Transcript: Mayor de Blasio, Speaker Mark-Viverito Announce 10 Year Plan to Close Rikers Island."
[7] Rakia, Raven, and Ashoka Jegroo. "How the Push to Close Rikers Went From No Jails To New Jails." *The Appeal,* May 29, 2018. https://theappeal.org/how-the-push-to-close-rikers-went-from-no-jails-to-new-jails/.

revitalization, policing, and surveillance–work to expand and embed new forms of carceral power into urban neighborhoods while simultaneously obscuring its presence. These plans rely upon a bifurcated understanding of citizenship, community, and space in New York that helps to legitimate the logics of neoliberal urban and penal control while packaging and selling reforms that claim to invest in "community" and care. Balancing in this precarious place between liberal reformism and neoliberal urban policy, the borough-based jail plan draws, inscribes, and produces geographic and ideological boundaries that help to entrench rather than dismantle the logics of mass incarceration in the city.

A memorial to Kalief Browder.[8]

Literature Review

While there exist many studies on the spatial, social, political, and economic consequences of prisons, prison siting, and prison reform, scholars have engaged much less with

[8] Lucas Jackson, *The New York Times,* January 24, 2019. https://www.nytimes.com/2019/01/24/nyregion/kalief-browder-settlement-lawsuit.html.

the siting and reform of jails within cities.[9] This dearth of literature follows a scholarly inclination to collapse the prison and the jail under the generalized umbrella of "incarceration" without attending to the particularities of each as distinct institutions. According to the US Bureau of Justice Statistics, "jails are locally operated short-term facilities that hold inmates awaiting trial or sentencing or both, and inmates sentenced to a term of less than one year, typically misdemeanants. Prisons are longer-term facilities run by the state or the federal government that typically holds felons and persons with sentences of more than one year."[10] Thus the distinction between the jail and the prison, especially in the context of a megacity's jail reform plan like New York's, is critical to understanding how the logic of the jail specifically is nestled into the urban realm. Lacking a scholarly canon on urban jails as specific sites of disciplinary power, urban jail siting and reform are likewise under-researched in critical urban studies and critical prison studies work. While some scholars have attempted to reckon with how incarceration and its attendant surveillance unevenly affects certain neighborhoods that are particularly subjected to its targeting,[11] they are more concerned with the social capital and material losses, as well as the public health effects, accrued through that

[9] See, for example: Carlson, Katherine. "Prison Impacts: A Review of the Research" Peninsula Praxis (November 1990). Carlson, Katherine. "What Happens and What Counts: Resident Assessments of Prison Impacts on Their Communities. Humboldt Journal of Social Relations 17.1 (1991). Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California.* Berkeley: U of California, 2007. Print. Huling, Tracy. "Rural Prisons: The Development of Last Resort," Prison Policy Initiative. (2003). King, Ryan S., Marc Mauer and Tracy Huling. 2003. *Big Prisons, Small Towns: Prison Economics in Rural America.* The Sentencing Project. Washington, D.C.

[10] Office of Justice Programs, "FAQ Detail," Bureau of Justice Statistics, accessed April 19, 2019, https://www.bjs.gov/index.cfm?ty=qa&iid=322.

[11] See Clear, Todd R. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse.* Oxford: Oxford University Press, 2007.; Rios, Victor. *Human Targets: Schools, Police, and the Criminalization of Latino Youth.* Chicago: University of Chicago Press, 2017.

incapacitation-through-incarceration.[12] Less attended to are the urban spatial and political relationships between neighborhoods and jails.

That said, jails and prisons are both part of a broader carceral archipelago that share dynamics and consequences. I thus situate this project within a broad array of literature that understands incarceration and its disciplinary power as constitutive of American citizenship and statecraft. Following Michel Foucault's seminal work on the birth of the prison, I understand the influence of the carceral state as robust, distributed, and constant; its disciplinary power is embedded within individuals, comprising the moral universe in which each member of society operates. The prison becomes, in this structure, an "active field" that encompasses its subjects not only within the prison walls, but at all points in time.[13] In my attempts to understand the spatial and social consequences of jail reform in New York City, I understand the power of the jail as a Foucauldian "microphysics of power," a process of both dispersion and individuation of the prison and jail's logic within the populace and away from a single apparatus of the state. Engaging with Foucault's "carceral continuum"–which encompasses this mapping of the prison to society, through a participatory ideology of self-discipline, and its reproduction through other societal institutions like hospitals, schools, and factories–I extend his thinking explicitly to the city, its own apparatus of carceral and disciplinary power.

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[12] See, for example: Nicholas Freudenberg (2001) for effects on community health; Marta Nelson, Perry Deess, Charlotte Allen for an account of life after jail in NYC in the first 30 days post-release (interviews); Freudenberg (2008) for a study of the experiences in the year after release of 491 adolescent males and 476 adult women returning home from New York City jails, showing that both populations have low employment rates and incomes and high rearrest rates.

[13] Foucault, Michel, 1926-1984. *Discipline and Punish: The Birth of the Prison.* New York: Pantheon Books, 1977. https://search.library.wisc.edu/catalog/999495361202121. p. 235.

While Foucault's theorizing of the carceral state is integral to how I approach my research, I join the many scholars who have critiqued Foucault's inattention to the racialization of disciplinary power and instead understand racism as foundational to the prison and requisite to a true understanding of the insidiousness of its logic.[14] Prominent amongst these critics is Dylan Rodríguez, who encourages a reframing of race as constitutive of the U.S. prison regime's disciplinary power, and urges an abandonment of the idea of generalized "mass incarceration" toward one of "targeted" incarceration–targeting of men of color, especially Black men, in urban America.[15] Following both Foucault and Rodríguez, I understand "the emergence of imprisonment as a central 'constitutive logic' of the American social/racial formation, which...inscribes its coherence through the durable, white-supremacist institutionality of technologies of immobilization and bodily disintegration" of people of color.[16]

In order to grasp the breadth of this constitutive logic, it is useful to understand how scholars have mapped the rise of incarceration as the state's primary response to urban unrest and economic crisis. While many have highlighted the rise of Nixon and Reagan-era "tough on crime" legislation and changes to sentencing laws as the root of overzealous American penality,[17] more recently, scholars have urged readers to understand the rise of targeted incarceration and the criminal justice apparatus as bipartisan in nature. Naomi Murakawa argues that liberal logic and carceral logic are inextricably linked in their promises of safety, what she calls "the first civil

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[14]Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* New York: The New Press, 2010. https://thenewpress.com/books/new-jim-crow.
[15] Rodríguez, Dylan. *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime.* Minneapolis; London: University of Minnesota Press, 2006.
[16] Rodríguez, *Forced Passages,* 39.
[17] See, for example: Alexander, Michelle. *The New Jim Crow*.

right."[18] Elizabeth Hinton similarly condemns liberals in her history of the rise of mass incarceration, arguing that a bipartisan coalition of policymakers reacted punitively to the civil rights movement, privileging security and order over a commitment to addressing inequality. She argues that "crime control may be the domestic policy issue in the late twentieth century where conservative and liberal interests most thoroughly intertwined."[19] Attending to the role liberals have played, over time, in allowing and unabashedly encouraging the hypercriminalization of poverty and Blackness,[20] especially in urban America, helps us to situate the liberal policy makers of the 21st century, like Bill de Blasio, in a genealogy of carcerally-oriented federal, state, and local politics.

These politics are instrumentalized by what has come to be known as the "carceral state." I understand the state, following Stuart Hall, as an "organizer" of power that puts economic, political, and ideological investments into motion.[21] The carceral state can thus be understood as an organizer that has "remade itself" using the prison system's vast network of institutions and actors: jails, prisons, correctional officers, probation officers, courts, judges, and lawyers, to name but a few.[22] Importantly, the carceral state today has "metastasized" into an agglomeration of public and private entities that delineate penal control increasingly outside of these traditional

[18] Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America.* Oxford: Oxford University Press, 2014.
[19] Hinton, Elizabeth. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America.* Cambridge, MA: Harvard University Press, 2016.
[20] Victor Rios defines "hypercriminalization" as "the process by which an individual's everyday behaviors and styles become ubiquitously treated as deviant, risky, threatening, or criminal, across social contexts" in Victor M Rios, *Punished: Policing the Lives of Black and Latino Boys* (New York: New York University Press, 2011).
[21] Stuart Hall and et al., *Policing the Crisis: Mugging, the State, and Law and Order* (New York: Holmes & Meier, 1978).
[22] Story, Brett. *Prison Land: Mapping Carceral Power across Neoliberal America.* Minneapolis: University of Minnesota Press (forthcoming), 2019. https://www.upress.umn.edu/book-division/books/prison-land, 16.

carceral boundaries.[23] As New York's jail plan exemplifies, the carceral state in both the urban and national context is aided by its entanglement with neoliberalism.

Concurrent with and central to the bipartisanism of the carceral state is the rise of neoliberalism as a new foundation for urban politics. Historians and social theorists have cited varying origins of the "neoliberal turn" that took hold in the 1970s and continues to dominate both national and urban socio-political and economic choices. Neoliberalism is a vast category with many central tenets, including, above all, a belief in the power of the free market and a belief that individualized participation in that market is the cornerstone of both freedom and democracy. Thus, this market-centrality inspired shifts toward austerity-focused governance that sought to minimize the impact of centralized government on the free market and individual "liberty." As individualism gained increased prominence as the key to American liberty, neoliberalism also begot the "rule of law" as one of the "institutional arrangements considered essential to guarantee individual freedom."[24] This emphasis on "law and order" came to rely on the carceral state as an arbiter of individual freedom,[25] with some scholars understanding the law's increased prominence as a "revanchist" response to the gains of the civil rights movement, urban unrest and uprisings, and revolutionary racial politics in the 1960s and early '70s.[26] Neoliberalism more broadly came to enshrine the carceral state with its foundational logics: Under a politico-economic reality in which rule of law is requisite to freedom (in the case of neoliberal ideology, principally economic freedom), the denial of physical freedom at the very core of incarceration becomes acceptable, perhaps even necessary.

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[23] Hinton, *From the War on Poverty to the War on Crime, 14.*
[24] Harvey, David. *A Brief History of Neoliberalism.* Oxford: Oxford University Press, 2005, 64.
[25] Hinton, *From the War on Poverty to the War on Crime.*
[26] Camp, *Incarcerating the Crisis,* 82.

Returning to the specificity of New York, I emphasize that neoliberalism's central preoccupations manifest in particular ways in the city context. Urban neoliberalism employs a similar emphasis on market rationality and individualism that in turn privileges marketability as the most essential facet of urban management. Governmental austerity–often in the form of a shrunken welfare state–is then seen as a necessary feature of running the city like a business. New York, as a "global city," is especially central to this discussion, an exemplar of the heavy neoliberalization of American cities from the late 20th century to the present.[27] While traditionally associated with conservatism, neoliberal urban policy was introduced to New York by a string of Democratic mayoral administrations. Reacting to a series of economic crises, most notably the near-total fiscal collapse of 1976, New York liberals since Abe Beame have slowly abandoned the remnants of the New Deal-era emphasis on social services and welfare, steering away from a politics that championed racial and economic equality, and instead focused energy on cultivating New York's presence as a global financial center.[28] Alex Vitale's description of the immediacy of visual order and the privatization of formerly public goods under so-called urban liberals in this era helps us to comprehend New York's socially progressive liberal establishment as part and parcel of an increasingly neoliberal urban project.[29]

This (neo)liberal management style persevered into the 1990s, when a perfect storm borne of austerity politics, economic crisis, and ensuing social disorder demanded government intervention at the street level. At the same time, New York elected its first Republican mayors in decades. In the wake of growing "disorder" following the financial crises of the late 1980s,

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[27] Sassen, Saskia. *The Global City: New York, London, Tokyo.* Princeton: Princeton University Press, 2001.
[28] Phillips-Fein, Kim. *Fear City: New York's Fiscal Crisis and the Rise of Austerity Politics.* New York: MacMillan, 2017. https://us.macmillan.com/fearcity-1/kimphillipsfein/9780805095258.
[29] Vitale, Alex S. *City of Disorder : How the Quality of Life Campaign Transformed New York Politics*. New York: New York University Press, 2008. http://ebookcentral.proquest.com/lib/oberlin/detail.action?docID=866034.

Rudy Giuliani introduced broken windows and zero tolerance policing, strategies predicated on a moralized understanding of urban poverty as principally due to individual shortcomings, and principally problematic because of the visual disorder its resultant crime inscribed on the city.[30] To eliminate this disorder, Giuliani's police force aggressively punished low-level crimes in the name of deterrence. Following Giuliani, the city elected Michael Bloomberg, a billionaire CEO who sought to run the city like a corporation. As the era of zero-tolerance under Giuliani bled into the "Bloomberg Way" which "proposed a corporate vision of the city: the mayor as a CEO, the government as a private corporation, desirable residents and businesses as customers and clients, and the city itself as a product to be branded and marketed," an emphasis on visual order and marketability continued to outweigh the liberal welfare past that once defined New York City.[31] As Jordan T. Camp and Christina Heatherton have argued, "the 'success' of broken windows policing has functioned as an urban strategy enabling the gentrification of cities," a continuous re-packaging of the city as more and more marketable, less and less visually "disordered."[32]

Bill de Blasio, to be sure, represents a significant political departure from the Giuliani-Bloomberg era. He is a self-identified progressive who ran on a campaign predicated on amending the severe and deepening economic disparities in his city. He calls attention to issues that Bloomberg would never have touched, and seeks changes, like his free Pre-K for all program, that represent a return, in some sense, to the welfare-conscious New York of the postwar years. As the leader of the largest city in the U.S., he oversees a metropolis that is

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[30] Vitale, *City of Disorder*; Camp, Jordan T., and Christina Heatherton. *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*. London: Verso, 2016.
[31] Brash, Julian. *Bloomberg's New York*. University of Georgia Press, 2011. http://www.jstor.org/stable/j.ctt46njt6, 17.
[32] Camp and Heatherton, *Policing the Planet,* 5.

"simultaneously diverse and segregated, wealthy and poor, planned and privatized, and ...characterized by both neoliberal and social democratic tendencies."[33] To account for these contradictions, de Blasio "enshrines both the city's neoliberal and social democratic propensities under the progressive banner…confoundingly label[ing] himself a 'progressive activist, fiscal conservative.'"[34] As such, de Blasio can be understood as a social progressive and an urban neoliberal–simultaneously a break from the New York of the past quarter-century and a continuation of it. Without undermining the socially progressive policies he does promote, I am interested in how we can understand de Blasio's jail reform plan, and indeed his progressivism, as in some ways "always linked to an expansion of the luxury market," and embedded within his concurrent neoliberalism.[35]

The neoliberal repackaging of the city as disciplined and marketable over the last 30 years has also introduced and valorized the neighborhood as a central locus of urban neoliberalism. The financial crises of the '70s and '80s wreaked havoc on New York's infrastructure while the state retreated from its investments in large-scale planning and welfare. Policy interventions became smaller-scale, and the neoliberal emphasis on individualism compelled communities to seek self-governance and self-determination over the influence of either big-government or large developers.[36] As first-wave gentrifiers made their way into "Brownstone Brooklyn,"[37] neighborhoods became romanticized by both the left and the right: the

[33] Stein, Samuel. "Progress for Whom, toward What? Progressive Politics and New York City's Mandatory Inclusionary Housing." *Journal of Urban Affairs.* 40, no. 6 (August 18, 2018): 770–81.
[34] Stein.
[35] Stein, 6.
[36] Osman, Suleiman. "The Decade of the Neighborhood." In *Rightward Bound: Making America Conservative in the 1970s*, edited by Bruce J. Schulman and Julian E. Zelizer. Cambridge, MA: Harvard University Press, 2008, 116.
[37] Osman, Suleiman. *The Invention of Brownstone Brooklyn: Gentrification and the Search for Authenticity in Postwar New York*. Oxford: Oxford University Press, 2011.

left emphasizing authenticity and self-determination, the right focusing on public-private partnerships, business improvement districts, and constricting government oversight.[38] The neighborhood became the ideal locus of small-scale governmental intervention, to be aided by private interests, in a kind of "mini-planning" that appealed to progressives who desired "'diversity, community preservation, humanistic 'streetscapes' and a view of the city as a composite of neighborhoods."[39]

Today's liberal reformers continue this legacy as a means to solve persistent urban issues, and increasingly those in the carceral realm. Public scrutiny and unrest around police violence and racial profiling have swelled in recent years–the most public of these outcries in New York revolving around the murder of Eric Garner on Staten Island and the proliferation of "stop-and-frisk" tactics in predominantly Black and Latinx neighborhoods. De Blasio's administration has responded to these complaints in a variety of ways, most notably by amending its public policing campaign from so-called "quality of life" enforcement to "community" or "neighborhood" policing. Along with de Blasio's vision of "community" jails, I intend to interrogate the rhetorical and spatial tactics at work in the repackaging of law enforcement and criminal justice as "community" enforcement or "community" justice and the neoliberal investments they connote. Considering the construction of community, I build on the work of Stuart Schrader and Miranda Joseph, who both warn against "the romance of community."[40] Schrader encourages us to be wary of the "inert, or perhaps warm and fuzzy," association with

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[38] Osman, "The Decade of the Neighborhood," 122.
[39] Osman, "The Decade of the Neighborhood."
[40] Joseph, Miranda. *Against the Romance of Community*. Minneapolis: University of Minnesota Press, 2002. http://ebookcentral.proquest.com/lib/oberlin/detail.action?docID=310600.
Schrader, Stuart. "Against the Romance of Community Policing." Stuart Schrader, August 10, 2016. https://stuartschrader.com/blog/against-romance-community-policing.

"community," and instead "define[s] community as a technology of social intervention and manipulation" that gains coherence though "assumptions of boundedness, cohesiveness, and harmony," and "erases the vast inequalities in access to power and resources" that defines our urban reality.[41]

This project takes this overview of neoliberal and urban investment in carcerality as a starting point; the carceral state is widely and deeply invested in urban inequality, is inherently racialized, unevenly dispensed, and necessary to the perpetuation of both neoliberal and liberal logics in New York. However, the majority of existing literature fails to attend to the spatial politics of criminal justice in urban America: how space– neighborhoods, building fronts, travel patterns, isolation, in/visibility– shapes the conception and function of reforms like the borough-based jail plan, and how those spatial realities impact the lived experience of the continued expansion of carceral logics into the urban fabric. Taking seriously the plan to build "modern jails" within New York "communities," I seek to understand how the borders and boundaries of criminal justice and "community" constitute the disciplinary power of the city, and how the neoliberal and so-called progressive logics at work in this kind of jail reform work to uphold that power.

To undertake this project, I borrow from urban geographers and spatial theorists who urge a dialectical understanding of the city as both social and spatial. A critical spatial analysis, according first to Henri Lefebvre and later to David Harvey, requires a constant negotiation of this socio-spatial dialectic– an urban geography that is never divorced from its social realities.[42]

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[41] Schrader, "Against the Romance of Community Policing."
[42] Lefebvre, Henri, Elizabeth Lebas, and Eleonore Kofman. *Writings on Cities*. Blackwell Oxford England; Cambridge, Mass, 1996.
Harvey, David. *Social Justice and the City*. REV-Revised. University of Georgia Press, 1973. http://www.jstor.org/stable/j.ctt46nm9v.

By undertaking a critical spatial frame informed by the aforementioned literature on racialized mass incarceration to analyze jail reform and siting in New York City, I partake in what Harvey calls a "paradigm for social geographic thought" that takes shape "through a deep and profound critique of our existing analytical constructs," to interrogate how injustice is inscribed geographically.[43] I understand that space shapes injustice in the sense that "the socialized geographies of (in)justice" create "lasting structures of unevenly distributed advantage and disadvantage" that cannot be fully comprehended through purely historical or social consideration.[44] Following these critical spatial theorists, I situate my study of urban carcerality in particular within the relatively nascent field of carceral geography. I join carceral geographers who foreground "the meta-institutional dynamics of carceral systems," attempting to "give priority to the connections between, around, within and beyond carceral institutions."[45] In this sense, I seek to fuse critical spatial theory and carceral geography to understand how the urban and the carceral build upon and inform one another in New York City.

Frameworks, Methodology, and Research Question

My analysis employs an abolitionist framework to interrogate how New York's jail plan understands itself as liberal criminal justice reform. While abolition ultimately works toward a future in which the carceral state and its associated violence are dismantled and replaced with community accountability and healing-centered approaches to harm, abolitionists do work to understand more mainstream criminal justice reform within that broader horizon. Distinguishing

[43] Harvey, *Social Justice and the City,* 145.
[44] Soja, Edward W. *Seeking Spatial Justice.* Minneapolis: University of Minnesota Press, 2010. http://public.eblib.com/choice/publicfullrecord.aspx?p=548072, 20.
[45] Gill, Nick, Deirdre Conlon, Dominique Moran, and Andrew Burridge. "Carceral Circuitry: New Directions in Carceral Geography." Progress in Human Geography 42 (2016). https://doi.org/10.1177/0309132516671823.

between "non-reformist reforms" and "reformist-reforms," prominent abolitionist and critical prison scholar Ruth Wilson Gilmore explains that non-reformist reforms are “changes that, at the end of the day, unravel rather than widen the net of social control through criminalization.”[46] In other words, they are incremental changes that work toward an abolitionist horizon, a fundamental reimagination of the prison's logic and function within our society. Conversely, a reformist reform is actively deployed neoliberal strategy due to "its very ability to incorporate and adapt itself to critique," as we see in the renaming of quality of life tactics as "community" policing.[47] Abolitionists understand that "prison reforms forged in the context of unabated neoliberal restructuring and state austerity– even those measures that seem to get people out of prisons and into ‘the community’– are especially important to appraise with a critical eye precisely because... the notion of community is so rarely viewed unfavorably."[48] It is this fundamental understanding of the potential insidiousness of repackaged neoliberal social control as "community" oriented, as more “just”– as “progress”– that is the critical foundation to my undertaking of this thesis.

While I am epistemically invested, throughout this thesis, in understanding abolition as an ultimate goal, and while this project does fundamentally seek to interrogate the claims of justice at the center of the jail plan, I want to exercise caution toward the cynicism and stubbornness that can come along with this kind of critical starting point. I undertake this project first and foremost from the understanding that there are human beings incarcerated at this very moment on Rikers Island who deserve– in addition to a farther-away, abolitionist future– better

[46] Story, Brett. *Prison Land: Mapping Carceral Power across Neoliberal America*. Minneapolis: University of Minnesota Press (forthcoming), 2019. https://www.upress.umn.edu/book-division/books/prison-land. (182).
[47] Story, *Prison Land.*
[48] Story, *Prison Land.*

material conditions now. In fundamentally critiquing the de Blasio plan to depopulate and ultimately shutter Rikers Island by building new jails within the urban fabric, I seek not to delegitimize that need and that importance, but rather to interrogate what a lack of attention to the socio-spatial implications of the plan could promote.

As such, my research unpacks the underlying assumptions and central constructions of "Smaller, Safer, Fairer" and its accompanying literature– other independent and state agency reports, plans, designs, and websites. To achieve this, I root my work in an interdisciplinary American Studies methodology that employs discursive and rhetorical analysis, spatial analysis, visual analysis, and community studies to further this project as work of activist scholarship– one that is ultimately interested in imagining and advocating for a more socially just future and an abolitionist reality. I employ these methods under this framework in order to understand the implications of siting jails *within* versus isolated from communities, what kinds of liberal reformism is constructed through this plan, and ultimately how the logic of the carceral state is given increased coherence and legitimacy through these plans. Thus it is essential to study how jails and policing are discussed, what different actors' priorities are in these discussions, how these systems are ideologically constructed, and how plans accomplish their ideological "work" spatially and visually in planning documents.

Taking the borough-based jail plan as its central problematic– a plan that is in the very early stages of implementation, and one that may well hit substantial roadblocks as it moves, like most urban policy does, glacially, through various levels of city government– this project seeks to understand what vision of New York City is being produced and propagated through its strategies, its rhetoric, and its goals. Though an abolitionist reading of the plan could easily pull

at its constitutive threads and unravel its notions of justice, I am more interested in illuminating how liberal criminal justice reforms in the urban context rely upon exclusionary citizenship, spatialized inequality, and commodification of neighborhoods to take shape. Rather than a plan to contain, shutter, or dismantle the carceral legacies at work on Rikers Island, "Smaller, Safer, Fairer" promotes a vision of New York City in which the carceral state and neoliberal governmentality cohere at the street level, working to further normalize an urban epistemology in which carcerality and neoliberalism are reliant upon one another to make sense of the city's geographies and notions of citizenship, helping to camouflage an expanding carceral state through aesthetics, branding, and ideological distancing.

Roadmap: "Smaller, Safer, Fairer"

Chapter 1 traces the "Smaller" section of de Blasio's "Roadmap to Closing Rikers Island," which outlines the intended strategies and plans for *how* New York City should seek to close its notorious jail. I argue that the ideological investments of the concurrently liberal and neoliberal de Blasio administration work to expand and obscure the reach of the carceral state *through* the borough-based jail plan's reduction strategies. I show how the plan suspends arrestable and jailable subjects between full citizenship and imprisonment, inscribes criminality on neighborhoods, and legitimates itself as progressive reform by invoking liberal notions of "care" and "community" in the service of expanding and renegotiating the form and location of carceral space.

Chapter 2 examines the proposals for Rikers's "Safer" replacements. I argue that the design proposals for New York's new jails support and extend neoliberal investments in urban

marketability and mass incarceration and work to bifurcate the city spatially and socially. The plans work to preclude criminalized and criminalizable New Yorkers from participation in neoliberal neighborhood uplift while concretizing boundaries between "free" and "unfree" urban space. On the other hand, these proposals seek to appeal to an urban "public" not implicated by the criminal justice system, for whom the jail is obscured as it is visually and functionally collapsed into the urban fabric. In this sense, the plans delineate and inscribe overlapping yet separate geographies of possibility based upon carceral and ideological investments in sorting, excluding, and confining economically and racially marginalized New Yorkers.

Chapter 3 seeks to understand how liberal reformism and abolitionist horizons can be reconciled. It examines how New York's justice system can really get "Fairer" by examining the work of activists at the forefront of the struggle against de Blasio's nascent jail plan.

Chapter 1
"Smaller": Constructing Incorrigible Citizens and Spaces

> Our criminal justice reforms have resulted in not only the safest big city in the nation, but New York City also has the lowest rate of incarceration. In order to truly end the harms of mass incarceration, we cannot stop now. This is why we have made it the official policy of the City of New York to close the jails on Rikers Island.
>
> - Mayor Bill de Blasio[49]

On the first page of "Beyond Rikers: Towards a Borough-Based Jail System," the above declaration from Bill de Blasio sits alone under a heading that reads: "Close Rikers." The quotation positions de Blasio strategically; by acknowledging the progress New York City has made to ameliorate both its crime and incarceration rates, he situates himself at the nexus of ensuring "public safety" and decrying the "harms of mass incarceration." Notably, de Blasio cites his plan to close the jails on Rikers Island as a way to "truly end" those harms. His plan, however, does not seek to end mass incarceration. It seeks what his administration is calling a "smaller" jail system– over ten years, through a variety of reduction strategies and in partnership with many arms of the justice system and beyond, de Blasio plans to reduce the daily jail population to 5,000, build a new system of borough-based jails to detain that reduced population, and eventually depopulate and shutter Rikers Island.

In this chapter I unpack the "Smaller" section of the borough-based jail plan and its attendant assumptions and implications. I argue that the promise of a "smaller" jail system is a false one: rather than a shrinking of the jail system, the plan instead calls for reconfigured management of a criminalized and excludable population of New Yorkers. In this way, the plan

[49] NYC Office of the Mayor. "Beyond Rikers: Towards a Borough-Based Jail System," August 2018.

exemplifies a distinctly urban manifestation of neoliberal disciplinary power, "urban" in its reliance on both categorizing citizens and defining spatial relationships. The plan and its implications rely upon what I call neoliberal-carceral subjectivity: a state of exception in which poor people of color are simultaneously excluded from neoliberal citymaking and relied upon to bolster the carceral state. This citizenship category precludes those under its purview from full economic and political participation in the city ideologically, spatially, and materially– the same population that the criminal justice machine currently forces into its grasp, that is disproportionately caged on Rikers Island today, and that under this plan, will continue to populate the future jails and expanding carceral programs of New York City.

Through examining the reduction strategies posed to decrease the daily jail population and the socio-spatial ramifications of the NYPD neighborhood control apparatus, I demonstrate how this jail plan reconfigures management and reorganizes carceral space to areas of city life outside of the traditionally-understood "criminal justice system." This move and the reformist architecture behind it work to produce a system mired in liminality: suspending policy between liberal and neoliberal ideals, action between maintaining the jail system and closing Rikers, neighborhoods between carceral and autonomous space, and entire populations of criminalized New Yorkers somewhere between free and unfree. This multitude of liminal actions, spaces, and categories is enacted through an expanding set of carceral programs both within and outside of the jail that constitute themselves through *predicting* and *inscribing* criminality onto the city's most vulnerable communities and neighborhoods. By relying upon and reproducing "incorrigible" citizens, by creating "guilty space" within highly policed neighborhoods, and by renegotiating management of the excluded and criminalized population already experiencing

social and carceral control at the hands of de Blasio's city, the jail plan works to simultaneously embed carceral dynamics within neighborhoods and erase its presence. This ambiguity– of spaces, people, and policies– within the plan, its assumptions, and its consequences makes sense of itself as liberal reformism by associating its programs and policies with the "community" and the "neighborhood," working to fold connotations of care and community control into the purview of the carceral state. In stark contrast to the New York City packaged and sold to an imagined urban consumer, a dynamic to which I will return in Chapter 2, the plan to make New York's jails "smaller" seeks to erase boundaries between the criminal justice system and "free" New York for the city's most policed and excluded residents and areas.

Neo/liberal New York City

De Blasio's vision of a "smaller" jail system ultimately demonstrates how liberal ethics of social responsibility, especially in the context of criminal justice reform, can contort and degrade when implementing plans within a concurrently *neoliberal* city. De Blasio was elected as an ardent self-described social progressive, pledging to address the city's persistent inequality. In his most famous 2013 campaign ad, de Blasio's son, Dante, a Black 15-year-old, explains to the viewer that his father is the only candidate willing to invest in affordable housing and end the stop-and-frisk era of the NYPD, the only candidate with the "guts" to take the city in an entirely

new direction, post-Bloomberg.[50] De Blasio went on to win the mayoral race by a 49-point margin in a landslide victory.[51]

The closing shot of de Blasio's 2013 campaign ad, "Dante."[52]

Since that initial energy behind de Blasio's progressive promise, his reputation has tarnished. He has fallen short and even floundered on some of the progressive issues that got him elected, as public housing under NYCHA and the subway under the MTA both continue to spiral into increasingly disastrous states of neglect and dilapidation, with de Blasio lacking the urgency to address the crises.[53] At the same time, some perceive him as more loyal to big business and real estate interests than these pressing public policy issues, especially in the aftermath of his enthusiastic support for Amazon's proposed HQ2 in Long Island City, Queens.[54] In essence, his

[50] Freelander, David. "Dante de Blasio's Killer Ad May Have Won NYC Primary for His Dad." *Daily Beast*, September 14, 2013. https://www.thedailybeast.com/dante-de-blasios-killer-ad-may-have-won-nyc-primary-for-his-dad.
[51] Barbaro, Michael, and David W. Chen. "De Blasio Is Elected New York City Mayor in Landslide." *The New York Times*, October 19, 2018, sec. New York. https://www.nytimes.com/2013/11/06/nyregion/de-blasio-is-elected-new-york-city-mayor.html.
[52] NY for de Blasio. *New Yorkers for de Blasio TV Ad: "Dante,"* 2013. https://www.youtube.com/watch?v=GgvXniTz7D8.
[53] Bellafante, Ginia. "Bill de Blasio, the Progressive Who Was Left Behind." *The New York Times*, March 2, 2019. https://www.nytimes.com/2019/03/01/nyregion/bill-de-blasio-the-progressive-who-was-left-behind.html.
[54] Bellafante, "Bill de Blasio, the Progressive Who Was Left Behind."

progressiveness has been cast into doubt, and his "fiscal conservatism" appears to be taking an increasingly significant role in his city management style.[55] With an approval rating hovering in the low-40s,[56] de Blasio has been hard pressed to negotiate and strike balances between competing interests and conflicting promises in New York City. The city is certainly divided, as parts are represented in Congress by the likes of Democratic Socialist Alexandria Ocasio-Cortez and parts are influenced by mega-developers like those finishing the massive Hudson Yards development project in Chelsea; now, amidst rumors of a potential presidential bid, de Blasio is in a state of political limbo, a state from which a plan like this one– to build new jails in order to close Rikers Island– materializes.

Why de Blasio would underwrite a $10 billion plan in a cash-strapped and neoliberally-influenced city is certainly a conundrum, even given the plan's promise to save the city billions per year after it is implemented.[57] Both the nascent nature of this plan and the subsequent lack of appropriate data make an economic analysis of its market rationale beyond the scope of this thesis project. Politically, however, the plan manifests de Blasio's tendency to straddle the progressive and the neoliberal, now in policy form. If, as Stuart Hall suggests, the state's "task" is to enshrine the "broadening and generalizing of class power, while ensuring also the stability and cohesion of the social ensemble,"[58] this plan attempts to appeal to both a class of urban neoliberals and to the masses who identified and rallied against the crises in New York's criminal justice system. Scholars of carceral expansion in socially liberal settings have

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[55] Stein, Samuel. "Progress for Whom, toward What? Progressive Politics and New York City's Mandatory Inclusionary Housing." *Journal of Urban Affairs.* 40, no. 6 (August 18, 2018): 770–81.
[56] University of Quinnipiac. "QU Poll Release Detail." QU Poll. Accessed April 19, 2019. https://poll.qu.edu/new-york-city/release-detail?ReleaseID=2589.
[57] Chammah, Maurice. "Inside the Mayor's Plan to Close Rikers | The New Yorker." The New Yorker, March 22, 2019. https://www.newyorker.com/news/dispatch/inside-mayor-bill-de-blasio-plan-to-close-rikers-island.
[58] Hall, et al., "Policing the Crisis," 205.

acknowledged that traditional discourses of crime control cannot always appeal to liberal constituencies as acceptable rationale for investing in the criminal justice system; rather, plans like de Blasio's must "be filtered through a vocabulary that could fit its physical contours into a rhetorical mold commensurable with local politics."[59] De Blasio's plan echoes this admission, as its methods, rhetoric, and rationale attempt to appeal to the local political and moral range of acceptability even while its larger logic is embroiled in the systemic, racialized violence that structures both mass incarceration and neoliberal urbanism. Occupying space as neo/liberal, the de Blasio administration maintains this plan in a similarly liminal space between concretizing neoliberal rationale and seeking progressive reform. As such a liminal investment in reform, the borough-based jail plan becomes implicated by the ideological and material consequences of both neoliberal penality and progressive reformism.

Neoliberal Citizenship and Carceral Incorrigibility

Ultimately, despite its packaging as a liberal response to a human rights and social justice crisis at Rikers Island, the plan is predicated on all too familiar conceptions of neoliberal exclusion and carceral control at the city level and beyond. In "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island," the official plan to close the jail complex, de Blasio and the many individuals and entities on his team rely upon inequity and exclusion– upholding the "tale of two cities" he famously rallied against on the campaign trail.[60] In the report's executive

[59]Schept, Judah. Progressive Punishment: Job Loss, Jail Growth, and the Neoliberal Logic of Carceral Expansion. New York: New York University Press, 2015, 82.
[60] Walker, Hunter. "Bill de Blasio Tells 'A Tale of Two Cities' at His Mayoral Campaign Kickoff." *Observer*, January 27, 2013. https://observer.com/2013/01/bill-de-blasio-tells-a-tale-of-two-cities-at-his-mayoral-campaign-kickoff/.

summary, the New York City Department of Criminal Justice crystallizes the chapter of the report entitled "Smaller":[61]

- **Smaller:** our goal is to reduce the average daily jail population by 25% to 7,000 in the next five years. To achieve this goal, the City will work with every part of the criminal justice system to implement strategies that:
  - Make it easier to pay bail;
  - Expand pre-trial diversion to allow more defendants to wait for trial in the community instead of in jail;
  - Replace short jail sentences with programs that reduce recidivism;
  - Reduce the number of people with behavioral health needs in city jails;
  - Reduce the number of state parole violators in city jails;
  - Reduce the number of women in city jails; and
  - Speed up case processing times.

Despite its implication that these strategies will create a "smaller" jail system, this list includes only two ideas that seem to reroute individuals away from the criminal justice system entirely ("Reduce the number of people with behavioral health needs in city jails" and "Reduce the number of women in city jails"). While this list seems, at surface level, convincing in its premise to reduce jail admissions, it does not appear invested in reducing crime or criminalization in order to achieve that lower population; rather, it intends to reduce jail admissions by *renegotiating management* of the population already under carceral control. By focusing on increasing ease of bail payment, "diversion" programs, and "alternatives to incarceration," the city *appears* to be making a good-faith effort to decrease the severity of incarceration in New York City. As I will go on to detail, however, these strategies simply siphon the same hypercriminalized population of New Yorkers to different tendrils of the justice system, failing to make significant strides toward a decarcerated future and ultimately

[61] City of New York Office of the Mayor, and NYC Criminal Justice. "Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island," June 2017. https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/Smaller-Safer-Fairer.pdf, 8.

crystallizing the plan's investment in maintaining states of perpetual neoliberal-carceral exclusion in the name of reform.

This siphoning ultimately results from the plan's inattention to the structural forces at work behind "criminal" activity in New York– from lack of social services, education, health services, housing security, and employment opportunities to criminalization of youth, racial profiling, and police brutality. The states of exclusion at the core of both disciplinary power and neoliberal citizenship– what I will call the "neoliberal incorrigible"– structure these inequities that produce "criminal" activity in the city and are at work in the city's jail plan, relying upon the maintenance of these exclusionary taxonomies *through* its nominal promise to make jails "smaller."

Fully understanding the neoliberal incorrigible as an actively instrumentalized citizenship category requires interrogating the ideological and material backbone of both neoliberal and carceral control in the contemporary urban United States. As reviewed in the Introduction, literature on neoliberalism and mass incarceration cohere as "neoliberal penality"[62] to paint the carceral sphere as the primary site of "legitimate" state intervention. A cultural and political turn toward "law and order" beginning in the 1970s sought to ensure market and individual "freedom,"[63] and the penal sphere emerged as a necessary ideological and material foil for the neoliberal ideals of individual responsibility, ultimate rule of law, and state legitimacy in "appropriate" locations. Indeed, the carceral state became a necessary antithesis to the supposed freedoms promised by market individualism.[64] In this sense, "neoliberal rationality effectively

[62] Harcourt, Bernard E. "Neoliberal Penality: A Brief Genealogy." *Theoretical Criminology* 14, no. 1 (2010): 74–92. https://doi.org/10.1177/1362480609352785.
[63] Harvey, David. *A Brief History of Neoliberalism.* Oxford: Oxford University Press, 2005, 64.
[64] Harcourt, "Neoliberal Penality."

reinforces the carceral domain"[65] both ideologically and through the reliance of both neoliberal market rationale and the carceral state on racialized social control. Both dynamics produce and reproduce populations of "expendable" citizens,[66] in the name of "public safety" and for political and economic ends.[67]

Neoliberalism itself functions in part by creating swaths of citizens who operate under it in a state of exclusion. As an environment in which capacity for economic productivity overrides traditional claims to citizenship like territory or inalienable "rights," market potential works to distinguish between the "capable" neoliberal subject and the "deficient" one.[68] If the "rule of law" dictates entitlement to neoliberal "freedom," and entitlement to those freedoms are, by design, only afforded to those who are understood to have marketable potential, life under neoliberalism emerges as a scheme in which categories of people, those perceived as unproductive to the market and those who do not follow the rule of law,[69] are needed to uphold the supposed "freedom" at the heart of the neoliberal promise. This reliance on a constructed population of subjects unable to enter the neoliberal circle of grace is mirrored in the carceral state's reliance on and a population of racialized "incorrigible" subjects to ensure its survival. Foucault speaks at length of the carceral state's reliance on *distinguishing* individuals as vital to its sustenance. He differentiates between the prisoner and the delinquent, the former a subject capable of reform, the latter a category that marks an individual as criminal far before their first offense. Scholars like Dylan Rodríguez attend more directly to the racialization of the delinquent, arguing that "the

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[65] Harcourt, "Neoliberal Penality."
[66] Loïc Wacquant. *Punishing the Poor: The Neoliberal Government of Social Insecurity.* Durham, NC: Duke University Press, 2009, 95
[67] Gilmore, *Golden Gulag;* Gill, et al. "Carceral Circuitry."
[68] For more on this concept, Ong, *Neoliberalism as Exception,* 16
[69] Harvey, *A Brief History of Neoliberalism.*

[prison] regime hinges on the structured impossibility of disciplining, correcting, or otherwise reassimilating certain pathologized, abject bodies into the graces of white civil society," a category he deems "the incorrigible."[70] In this way, disciplinary power and the carceral state rely on differentiating between those who can and cannot be disciplined– between the correctable and the incorrigible– much as neoliberalism relies on a population unable to participate economically or ideologically (due to market "deficiency" or breaking the law) to reproduce itself.

New York's jail plan and its strategies to create a "smaller" jail population are implicated in this matrix of systematized exclusion by virtue of being a carceral project in a neoliberal city. It is, however, important to distinguish between generalized theorizing around incarceration and prisons more broadly, and urban jail systems in particular. Despite a popular tendency of scholars to collapse the harms, effects, and logics of the jail and the prison into one generalized understanding of mass incarceration and its dynamics, the jail, especially in a megacity like New York, is a distinct space of carceral power, and deserves to be treated as such. Whereas the logic of the prison revolves around warehousing individuals for long periods of time and incapacitating them through geographical isolation and physical confinement, often far away from their homes,[71] jail is an interstitial space, designed to be temporary, that is embedded geographically within the governmental and urban milieu that arrests, indicts, tries, and convicts its residents in its own system.

Criminalization through both the prison and the jail "functions to absorb the social wreckage wrought by neoliberal policies" that maintain swaths of excluded and "disposable"

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[70] Rodriguez, *Forced Passages,* 68.

[71] Gilmore, *Golden Gulag,* 14. Gilmore notes that incapacitation via prison "doesn't pretend to change anything about people except where they are. It is in a simple-minded way, then, a geographical solution that purports to solve social problems by extensively and repeatedly removing people from disordered, deindustrialized milieus and depositing them somewhere else."

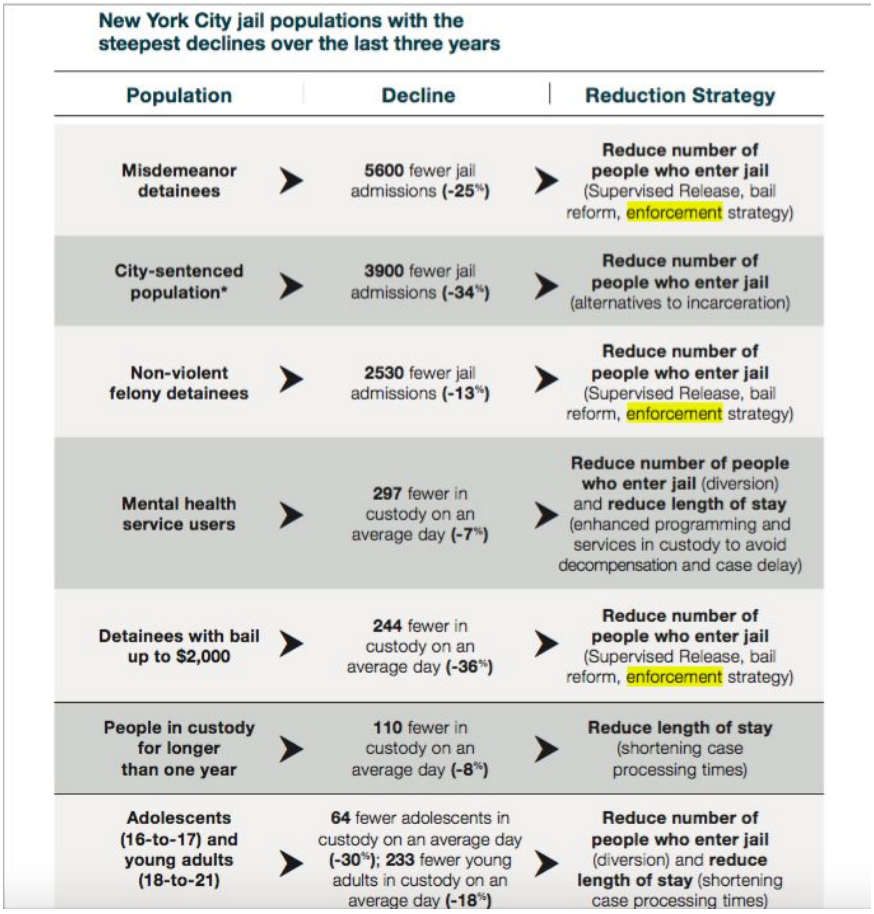
people.[72] Jail, however, is inherently short-term, and presents itself as another liminal space that catches people between arrested and convicted, between free and imprisoned, between presumed innocent and assumed guilty. In this sense, jail houses who is *arrestable*, not necessarily who is *convictable*. In New York City, 75% of those detained on Rikers Island are held pretrial,[73] meaning they have not yet been convicted of a crime, and most of those people are on Rikers because they cannot afford to pay bail. So rather than the jail population reflecting determinants like sentencing laws, as the prison population does, it more centrally depends upon how individuals are marked as arrestable, how their neighborhood, livelihood, or activities are perceived as criminal, and whether they or their family can afford to pay bail. It's not surprising, then, that these factors fit squarely within the neoliberal and carceral logics that produce economically-marginal, racialized populations in neighborhoods with few resources and modes of neoliberal "participation." As such, New York's jail population is skewed to disproportionately represent people of color. For the first six months of Fiscal Year 2019, the New York DOC reported that out of the average daily jail population of 8,136, 92.5% of detainees were non-white: 53.3% Black, 33.9% Hispanic, 1.6% Asian, 3.7% Other, and only 7.5% white.[74] According to the most recent American Community Survey, the city as a whole is 24.4% Black, 26.7% Hispanic, 13.7% Asian, and 32.3% White.[75] The disproportionate jailing of New Yorkers of color, and Black New Yorkers especially, is starkly evident in those statistics alone and

[72] Story, *Prison Land,* 13.
[73] Independent Commission on New York City Criminal Justice and Incarceration Reform. "A More Just New York City," 2017, 25.
[74] New York City Department of Corrections. "NYC Department of Correction at a Glance: Information for 1st 3 Months FY2019," 2019.
[75] American Community Survey, 2012-2016.

follows logically from the city's reliance on its neoliberal-carceral investments which construct the jail as a temporary yet cyclical holding place for those lacking full participatory citizenship.

Reduction Strategies and Renegotiating Management

Maintaining a population of criminalizable and economically excludable urban dwellers manifests in the borough-based jail plan in a few ways, aside from simply preserving the jail as a fixture of the urban environment. By dictating and highlighting strategies to reduce the daily jail population that simply reshuffle the *kind* of carceral control one experiences rather than diverting individuals *away* from the carceral state, the plan retains status-quo criminalization in a different physical form. The "Smaller" section of the roadmap to closing Rikers lists strategies that it claims will reduce the daily jail population enough to enable the city to close the island penal colony and open new jails within the city's boroughs. While the previously cited Executive Summary pointed to *planned* reduction strategies, the below matrix draws upon the city's past success in reducing the daily jail population and explains these strategies as essential building blocks for those future tactics to further decrease in jail admissions:



New York City jail populations with the steepest declines over the last three years

Population	Decline	Reduction Strategy
Misdemeanor detainees	**5600** fewer jail admissions **(-25%)**	**Reduce number of people who enter jail** (Supervised Release, bail reform, enforcement strategy)
City-sentenced population*	**3900** fewer jail admissions **(-34%)**	**Reduce number of people who enter jail** (alternatives to incarceration)
Non-violent felony detainees	**2530** fewer jail admissions **(-13%)**	**Reduce number of people who enter jail** (Supervised Release, bail reform, enforcement strategy)
Mental health service users	**297** fewer in custody on an average day **(-7%)**	**Reduce number of people who enter jail** (diversion) and **reduce length of stay** (enhanced programming and services in custody to avoid decompensation and case delay)
Detainees with bail up to $2,000	**244** fewer in custody on an average day **(-36%)**	**Reduce number of people who enter jail** (Supervised Release, bail reform, enforcement strategy)
People in custody for longer than one year	**110** fewer in custody on an average day **(-8%)**	**Reduce length of stay** (shortening case processing times)
Adolescents (16-to-17) and young adults (18-to-21)	**64** fewer adolescents in custody on an average day **(-30%)**; **233** fewer young adults in custody on an average day **(-18%)**	**Reduce number of people who enter jail** (diversion) and **reduce length of stay** (shortening case processing times)

Figure 1: The "Smaller" section of "Smaller, Safer, Fairer" contains the above strategy matrix detailing the successful strategies New York City has used to reduce the jail population, and will continue to use under this plan.

An initial read of the pithy explanations behind each "reduction strategy"– all claiming to either "reduce the number of people who enter jail" or "reduce length of stay"– indicate that four main strategies undergird the efforts aimed at each of the incarcerated groups listed in the left-hand column: "supervised release," "enforcement strategy," "bail reform," and "alternatives to incarceration." Of the population-strategy couplings presented on the matrix, only adolescents, young adults, and mental health service users seem to be "diverted" from jail altogether. Though only a summary, and necessarily brief, this matrix appears to contain multiple means by which to reduce the daily jail population, including "enforcement strategy," "alternatives to incarceration,"

and "diversion," that have the potential to reroute criminalized New Yorkers away from the criminal justice system.

The following section of the report, however, expands upon these categories, revealing an increased reliance on other arms of the criminal justice machine– ones increasingly reaching outside of courthouses and jails and into "community"– rather than diversion away from it. Turning from the success of the past to plans for the future, the report asserts that: "there are still opportunities to reduce the jail population safely. The strategies below will expand appropriate alternatives to jail for those who could be safely supervised in the community, make it easier to pay bail, and increase the speed at which cases are resolved (so that people can be released or start serving their sentences either in the jails or in prison)."[76] This crystallization of these forthcoming strategies indicates that "alternatives to jail" is penal surveillance of a different sort (later identified as "Supervised Release"), and "bail reform" is conceived as maintaining bail, but increasing ease of payment. Indeed, each of these points requires an individual's continued embroilment in the New York criminal justice system, rather than a viable alternative to it. Later clarified within the strategies section, "diversion" is revealed as seemingly synonymous with "alternatives to incarceration"; the plan explains that "New York City has multiple diversion options that judges can use instead of setting bail at arraignment or sentencing a defendant to jail. Approximately 4,000 people are diverted from city jails every year through these alternatives to incarceration. One of the newest and largest options, which started in March 2016, is called Supervised Release."[77] Moving from the past strategy matrix to future plans and programs, the report reveals a picture of a shrinking daily jail population accompanied by an expanding set of

[76] "Smaller, Safer, Fairer," 16.
[77] "Smaller, Safer, Fairer," 15.

carceral programs that are enacted and enforced largely outside of traditionally conceived spaces of criminal justice. They are explained as strategies to manage risk while enabling defendants to remain connected to "the community,"[78] still under the auspices of the carceral state. In this sense, the "alternatives" reproduce certain aspects of detainment achieved by jail itself, like exclusion from full participation in the neoliberal city and a limiting of individual freedom of movement, even while they don't reproduce physical incarceration per se.

This expansion of carceral control into hitherto uncharted urban territory is arguably most difficult to decipher in programming that calls upon liberal ethics of social care to explain its reformist nature. The plan does include references to implementing programs that "will be specifically tailored to individuals' risks and needs and will help address some of the issues, such as chronic homelessness or substance use, that could be leading to repeated jail stays, providing instead a pathway to stability and self-sufficiency"– a promise that both acknowledges the systemic architecture behind recidivism and diverts individuals away from jail time.[79] Other more specific mentions of systemic barriers include "a new program tailored specifically to homeless women" that "will offer transitional housing...to make it easier for them to participate in alternative to jail programs, many of which require permanent housing as a requirement for eligibility."[80] While these programs stand out in their acknowledgement of systemic barriers that lead to arrests and recidivism, like nodding to the particular issues that might keep homeless women within the purview of the carceral state,[81] they work to not only further entangle the

[78] The "Smaller" section of the report makes 13 references to "the community"– presumably the community of the defendant.
[79] "Smaller, Safer, Fairer," 21.
[80] "Smaller, Safer, Fairer," 24.
[81] While a gendered analysis of criminal justice in New York is outside the scope of this thesis, see Ritchie, Beth. *Compelled to Crime: The Gender Entrapment of Battered, Black Women.* London: Routledge, 1995, for an

justice system into new and disparate arenas, but also collapse notions of *care* into the responsibilities of the carceral state. Harkening back to the competing visions that de Blasio and his administration seeks to balance, liberal calls for human-centered and social-justice oriented reforms peek through the plan in moments like these. As it happens that "society's cultural patterns come to be imprinted upon its penal institutions, so that punishment becomes a practical embodiment of some of the symbolic themes...and particular ways of feeling which constitute the wider culture," it follows that this particular iteration of liberal reformism would attempt to wrangle social responsibility and community care into its jail plan.[82] This strategic move it works to further obscure the boundaries of the carceral state by expanding its responsibilities into the realm of carcerally-managed social services, while maintaining its *most central* ambitions as punitive, incapacitating, and *unfocused* on structural barriers and community care (as evidenced by the scarce mentions of these types of care-centered reforms).

The promise to make New York City's jails "smaller" is thus predicated on strategies that reroute individuals to other tendrils of the justice system, some of which attempt to address systemic barriers and provide social services, but most of which reproduce the confinement of jail in both recognizable and novel ways (surveillance and supervision, bail, and outside-of-jail programs). The falsehood of de Blasio's promise to "end the harms of mass incarceration" by closing Rikers Island, with which this chapter began, however, is most identifiable in an under-emphasized yet central aspect of the jail plan: once the jail population is reduced to 5,000, the city has no stated plans to work toward further reductions and thus "end" the harms of

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exploration of Black women's disproportionate exposure to both interpersonal and state-sanctioned violence and their subsequent embroilment in criminal justice systems like New York's.

[82] Garland, David. Punishment and Modern Society: A Study in Social Theory. Chicago: University of Chicago Press, 1990; Schept, *Progressive Punishment,* 82.

incarceration. After all, if the city is to spend $10 billion on building four new jails over ten years, only *then* to depopulate Rikers and move the jailed population off the island, it must have an intention to maintain its investment in that infrastructure and that system. As activists who oppose the plan argue: "if they build it, they will fill it."[83] In this sense, the intention to lower the daily jail population to 5,000 and maintain it at that level enables the further reproduction of urban neoliberal and carceral exclusion while managing and "solving" the crises most damaging to the system's legitimacy, like Rikers Island.

The plan and many of its attendant logics, then, are *purposefully* caught in limbo. The jail itself keeps people in a zone somewhere between arrest and conviction, the criminal justice apparatus and the city's neoliberal management relies upon populations of citizens caught between full citizenship and criminalization, and the neo/liberal government keeps its jail plan suspended between progressive reform that reassures its constituency, carceral camouflage that embeds and obscures the penal state into new and disparate arenas, and straight-forward neoliberal penality that excludes and incapacitates. Thus the carceral state of New York helps to enshrine a "never-never land between the gate of the prison and full citizenship."[84] I argue that by purposefully reproducing a "jailable" population to occupy both new jails and the other carceral capillaries spreading across the urban fabric, the state *inscribes* incorrigibility onto its citizens, perceiving and *predicting* criminality in order to sustain itself.

This predicted and inscribed logic siphons the "incorrigible" population of New Yorkers to ever-extending tendrils of the criminal justice system, but that siphoning, in itself, entails a

[83] Organizers opposed to de Blasio's plan often use this refrain. Noted by the author at a Brooklyn Speak Out organized by NoNewJails, January 16, 2019.
[84] Gottschalk, Marie. *Caught: The Prison State and the Lockdown of American Politics*. Princeton: Princeton University Press, 2016, 3.

host of processes that also rely on prediction and inscription. Policing, surveillance, and other mechanisms of techno-social control work to concretize these liminal citizenship categories in the spatial and material dimensions of urban life via New York's neighborhoods. In this way, such capillary expansion of carceral power represents the state's investment in and reliance upon unevenly deployed spatial and material management of the "neoliberal incorrigible."

The (In)justice of Spatiality

Just as de Blasio's plan relies on ideological and politico-economic investments in neoliberal-carceral exclusion, it also shapes and is shaped by spatial and material dimensions. The jailed population is not only overly determined by race; neighborhood plays an enormous role in your likelihood of being arrested and indeed, arrestable. The last time the DOC released data of the most represented neighborhoods in city jails was 2012. They reported that "more inmates reside in the neighborhoods of Crown Heights, Bedford Stuyvesant and East New York in Brooklyn; Morrisania in the Bronx; Central Harlem and Morningside Heights in Manhattan; and Jamaica in Queens, than any of the other communities in the city."[85] Taking East New York, Brooklyn, as an example, the disparities are stark; the neighborhood was 3.7 % White, 30% Hispanic and 60% Black in 2016, with a $39,100 Median Household Income and some of the lowest educational attainment in the city.[86]

In this section, I locate the spatial and material effects of "Smaller." I contend that the reproduction of the NYPD as a fixed reality on the cityscape works to spatially extend the logics of the carceral state, embed carceral management into the urban fabric, and produce a spatial

[85] NYC Department of Correction Office of Public Information. "New York City Department of Correction: 1st Quarter Fiscal Year 2012, July-September," September 2012.
[86] American Community Survey, 2012-2016.

corollary to the neoliberal-incorrigible citizenship category in the form of what I call "guilty space." The mechanisms of social control at work on the ground in New York disperse the logic of the carceral state from the jail to the street and build social control into the quotidian logic of its neighborhoods. Utilizing both "community" oriented practices and increasingly ubiquitous technology to breed "familiarity" with the police and collect crime data, the NYPD and carceral state more broadly use prediction as a principal enforcement strategy. As police forces embed themselves into neighborhoods and technology plays a bigger and bigger role in collecting and analyzing "crime" data, prediction works to excuse criminalization as "prevention," mark entire neighborhoods as preemptively guilty, and obscure the heavy hand of the carceral state.

As I have detailed in the Introduction, I employ a critical spatial perspective in analyzing the borough-based jail plan, its existing social prerequisites, and its potential consequences. Critical spatial theorists situate the question of justice within a socio-spatial dialectic and encourage us to conceive of "the spatiality of injustice as focusing on how injustice is embedded in space" and the "injustice of spatiality" as emphasizing "how injustice is created and maintained through space."[87] These distinctions prove useful by posing the question of space as both potentially defining how injustice manifests *and* how it is created. The plan itself can be understood as an enactment of the "spatiality of injustice" in its intention to transition New York's jails from an isolated island compound to dispersed and embedded network– a socio-spatial strategy I will return to in detail in the following chapter. Concurrently, the context of the plan– New York's criminal justice system and crime, criminality, and criminalization more broadly– are all processes that are enacted spatially, gain significance through their spatial

[87] Soja, *Seeking Spatial Justice,* 27.

dimension, and, I argue, can be conceived as an example of the "injustice of spatiality." Understanding New York's carceral state as robust, diffuse, and evermore all-consuming, the jail plan and its parallel reliance on surveillance, policing, and social control, create "superimposed or exogenous geographies of power" that "define and contextualize particular geographies of (in)justice" in the city.[88]

Neighborhood Policing and Carceral Intimacy

Conspicuously absent from the reduction strategies discussed above is a serious discussion of policing. While the strategy matrix refers to "enforcement" as a way to reduce the number of people who enter jail, details explaining what "enforcement" means are limited to only a couple of sentences later in the report. One reference names past "deliberate efforts to rethink policing strategy" as a reason "fewer people are entering city jails," but does not refer to specific changes.[89] In fact, the only other mention of policing and enforcement appears in the section explaining what has already been done to drive down the jail population. The report assures the reader that "the NYPD arrests fewer people. Although not every arrest leads to jail– approximately 15% of arrests do– enforcement trends do affect the size of the jail population."[90] Again, enforcement is only referenced as a piece of the puzzle that is jail in New York, but is not given space as a true causal agent or category of concern. Perplexingly, the report here attempts to paint arrests as distant from the jail population, by detailing that only 15% of arrests lead to jail, but fails to fully acknowledge that nearly 100% of jail admissions likely *began* with an arrest. As noted earlier in this chapter, the logic of the jail is predicated largely on a subject's

[88] Soja, *Seeking Spatial Justice*, 33.
[89] "Smaller, Safer, Fairer," 13.
[90] "Smaller, Safer, Fairer," 15.

arrestibility, which helps to bolster the exclusionary logics of carceral and neoliberal urban control and also places arrests and the police as central to any discussion of jail population reduction.

Left with only empty references to policing and lacking details about or attention to changes in enforcement strategy, I argue that the plan effectively endorses the policing status quo. In this sense, the inattention to policing is an active absence. If references to changes are only explained in relation to past action, readers of this plan can assume that the mayor's office did not intend to promise or even reference potential changes to the NYPD. Not only does the report effectively work to distance the police from the problem of incarceration and the scandals at Rikers Island, this treatment of policing as incidental rather than central to the creation of the jail population reinforces the NYPD and its current roster of policies and strategies as an assumed reality.

The NYPD has been embroiled in scandals for the last decade, the most prominent of which revolved around egregious racial profiling through the infamous "stop-and-frisk" method, under which police officers could stop individuals on the street and search them under any "suspicion" of guilt.[91] Mayor de Blasio campaigned on a promise to end the practice, which was ruled unconstitutional by a district judge in 2014.[92] In late 2013, de Blasio re-appointed Bill Bratton, the notorious police chief largely responsible for the proliferation of "broken windows" policing in late-1990s New York, back to his former post.[93] Not only did this move highlight de Blasio's now-common tendency to straddle the lines between progressivism and conservatism,

[91] Del Signore, John. "Ray Kelly Wants Stop And Frisk To 'Instill Fear' In Minorities, State Senator Testifies." *Gothamist*, April 1, 2013. http://gothamist.com/2013/04/01/ray_kelly_wants_stop_and_frisk_to_i.php.
[92] Murphy, Jarrett. "Timeline: The Saga of Bill de Blasio and the NYPD." City Limits, October 16, 2017. https://citylimits.org/2017/10/16/timeline-the-saga-of-bill-de-blasio-and-the-nypd/.
[93] Murphy, "Timeline."

but it also exemplifies the complicated web of agencies and actors that make up "the state" in New York. De Blasio's resultant policing policy meant that even "as stop-and-frisks declined, they were replaced by the low-level 'quality of life' arrests and criminal summonses called for under Bratton's absolutist interpretation of broken windows."[94] Since shifting power back to Bratton, New York City has faced numerous lawsuits, exposés, and criticisms that stop-and-frisks have not, in fact, declined as much as is commonly held; rather, cops now fail to record them.[95] Similar controversy has surrounded the alleged reliance on quotas for court summonses, which some officers have claimed rule their precincts,[96] and to which I will return in the next section. Amongst these and further scandals questioning the validity and efficacy of broken windows policing,[97] de Blasio and Bratton began rolling out the now-dominant policing ethos of the NYPD: Neighborhood Policing.

Much as the borough-based jail plan can be understood as a response to the ongoing crisis on Rikers Island, Neighborhood Policing can be understood as a response to the public relations crises that have plagued the NYPD. Neighborhood Policing, often referred to as "Community Policing" is a strategy that seeks to breed increased familiarity between police and the neighborhoods they patrol. Specific policies include assigning the same officers to the same few blocks every day, so that the police can get to know the area they patrol and residents can get

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[94] Pinto, Nick. "NYPD Watchdog Shatters Bratton's 'Broken Windows' — Now What?" The Village Voice, June 28, 2016. https://www.villagevoice.com/2016/06/28/nypd-watchdog-shatters-brattons-broken-windows-now-what/.
[95] Rolnick Borchetta, Jenn, Darius Charney, and Angel Harris. "Don't Let the Police Wreck Stop-and-Frisk Reforms." New York Times, April 10, 2018. https://www.nytimes.com/2018/04/10/opinion/police-stop-and-frisk-reforms.html.
[96] Annese, John. "Judge Finalizes $75M Settlement in Class Action against NYPD over Summons Quotas." NY Daily News, June 13, 2017. https://www.nydailynews.com/new-york/judge-finalizes-75m-deal-nypd-summons-quotas-lawsuit-article-1.324240.
[97] New York City Department of Investigation, and Office of the Inspector General for the NYPD (OIG-NYPD). "An Analysis of Quality-of-Life Summonses, Quality-of-Life Misdemeanor Arrests, and Felony Crime in New York City, 2010-2015," June 22, 2016.

to know and begin to trust the officers they see in their neighborhood.[98] Though neighborhoods, especially crime-ridden ones, have gone through periods of calling for increased police presence in their neighborhoods,[99] many scholars of urban crime emphasize more seriously the tumultuous and antagonistic relationship between urban neighborhoods of color and police forces, which has sparked uprisings and protests from the early 20th century through to the contemporary #BlackLivesMatter movement.[100] Given this history and is particular valence throughout the stop-and-frisk controversy, ameliorating distrust and amending perceptions of the police has become a principal concern for the NYPD.[101] In addressing perceptions, the NYPD and its Neighborhood Policing strategy call upon the neighborhood as its site of intervention, aiming to frame police as themselves community-oriented, calling upon a familiar liberal ethic of community care that helps restore legitimacy even as the punitive nature of the police does not shift.

In this sense, Neighborhood Policing pleads "familiarity" in the name of punitive social control, and plays a key role in the spatialized capillary expansion of disciplinary power outside of the jail and onto the street. Through expanded police forces and geographically-bounded patrols, Neighborhood Policing works to create a kind of "carceral intimacy" within hypercriminalized urban spaces. In the words of Bratton himself, Neighborhood Policing "keeps our cops engaged with police work while allowing them to embed in our communities as part of

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[98] NYPD. "Neighborhood Policing - NYPD." Bureaus: Patrol. Accessed April 19, 2019. https://www1.nyc.gov/site/nypd/bureaus/patrol/neighborhood-coordination-officers.page.
[99] Wolfe, Noël K. "Battling Crack: A Study of the Northwest Bronx Community and Clergy Coalition's Tactics." *Journal of Urban History* 43, no. 1 (2017): 18–32. https://doi.org/10.1177/0096144215576333, 19.
[100] See, for example: Websdale, Neil. *Policing the Poor: From Slave Plantation to Public Housing.* Boston: Northeastern University Press, 2001*;* McArdle and Erzen, *Zero Tolerance: Quality of Life and the New Police Brutality in New York City.* New York: NYU Press, 2001.
[101] Story, *Prison Land.*

a team that works together to improve safety and quality of life for everyone."[102] While the practice, at face value, promises that "communities will have a voice, at the most local level, in how they are policed" and that "officers will have multiple opportunities to engage with community members in non-enforcement, non-response, and non-confrontational situations," promises of community participation cannot be lauded without further examination into what this "embeddedness" of police into communities entails.[103]

Despite the seemingly benign claims of the NYPD in its newest iteration, policing is not a neutral practice. The NYPD's mission statement identifies its primary concerns as working to "enforce the law, preserve peace, reduce fear, and maintain order" by "fighting crime both through deterrence and the relentless pursuit of criminals."[104] By definition, policing in New York City is a process of sorting– police keep the peace and maintain order by determining who is worthy of membership in a community, of residence in a space, and who is not. Police are not, by design, instruments of nurturing, but rather agents of exclusion that sort those excluded into the city's jails and other, increasingly disparate carceral circumstances. While Neighborhood Policing calls upon its community-orientation as a way to increase a perception of fairness and mutual respect, as Stuart Schrader asserts, "to commit a crime is to evidence one's ineligibility for community membership. That is its inherent logic. Community and police double-back on each other under present social arrangements, to maintain and reproduce present social arrangements. In this sense, the term is redundant."[105] To Schrader, "community," as deployed by

[102] Bratton, William, J. "NYPD Plan of Action and the Neighborhood Policing Plan: A Realistic Framework for Connecting Police and Communities." New York City Police Department, 2016.
[103] Bratton, "NYPD Plan of Action."
[104] "Mission - NYPD." New York City Police Department. Accessed March 22, 2019. https://www1.nyc.gov/site/nypd/about/about-nypd/mission.page.
[105] Schrader, Stuart. "Against the Romance of Community Policing."

the state, is defined through boundaries rather than possibilities. In this sense, attempting to embed police seamlessly into the social fabric of a neighborhood entails conforming to the definitions of community belonging determined by the state; lacking capacity to address social issues, economic crises, interpersonal violence, and lack of opportunity by any means other than punitive measures constricts the potential of genuine coalition building and instead works to build punitive social control into the quotidian logic of the neighborhood.

Central to the ideological work of Neighborhood Policing is its engagement with and management of space: delineating boundaries and creating a sense of ever-present police contacts in discrete neighborhoods. Neighborhood Policing practice relies upon the division of precincts into "sectors," that "conform as much as possible to actual neighborhood borders," which work to establish "a sense of connection between the police patrol team and the local population."[106] In this way, community policing works to conform to the spatial understanding that residents already have about their city, mirroring the accepted spatial logic behind how people identify with where they live. The NYPD's sectors are intended to increase familiarity between cops and their sector's residents, to the extent that "the officers will know their sectors, the citizens they serve, the problem areas, and the problem people," while "citizens will get to know their cops," and "officers will *take ownership* of their sectors" (emphasis mine).[107] The rhetoric employed by the NYPD regarding this increased familiarity between residents and the police implies that by virtue of police-community proximity, police become a *part* of the neighborhood they police, and that they should feel entitled to the space they patrol. In this sense, the NYPD seeks to flatten the police-community divide such that community members

[106] Bratton, “NYPD Plan of Action."
[107] Bratton, “NYPD Plan of Action."

and police, ideally, can stake the same claims to the sector or neighborhood. To the extent that police are principal arbiters of the carceral state, this collapsing of citizen and police officer into an idealized joint entity with similar claims to city space and community boundary-making represents a clear expansion of carceral logics into spaces and ideological formations far outside the jail walls. Further, by embedding police into the social and geographical fabric of the neighborhood, Neighborhood Policing blurs the boundaries between what is neighborhood space and what is police space, collapsing the street, and indeed, the "community" into the ever-expanding mesh of carceral practice.

To be sure, the consequences of embedded police forces are unevenly wrought across the city. Communities of color, and Black communities especially, have, for centuries, been hyperpoliced in the name of white security– from slave patrols to Immigration and Customs Enforcement, Black and Brown people in the U.S. have faced brutality, murder, and constant surveillance at the hands of police and police-adjacent entities.[108] Indeed, even in the post-stop-and-frisk era of the NYPD, in 2018, 89% of police stops performed were to people of color.[109] Though reported stops have decreased drastically since their height in 2011, they are performed on New Yorkers of different races at the same proportions as their 600,000 stops-a-year high, signaling that the level of racialization behind policing practices has not changed, rather, its methods may have simply shifted in the era of Neighborhood Policing. Scholars have traced the connections between inner-city policing and the rise of mass incarceration for decades, arguing that urban neighborhoods of color are principal feeders of

[108] See, for example: Websdale, Neil. *Policing the Poor: From Slave Plantation to Public Housing.* Boston: Northeastern University Press, 2001*;* McArdle and Erzen, *Zero Tolerance: Quality of Life and the New Police Brutality in New York City.* New York: NYU Press, 2001.
[109] "Stop-and-Frisk Data." New York Civil Liberties Union, January 2, 2012. https://www.nyclu.org/en/stop-and-frisk-data.

America's prisons, directly enabled by hyperactive police forces, strict drug possession laws, and mandatory minimum sentencing, to name a few factors.[110] As I previously noted, this scholarship largely fails to make significant distinctions between the jail and the prison as distinct entities and processes. Scholars have, however, begun to emphasize that the carceral bounds of mass imprisonment extend to the methods of punitive action that are deployed in urban space, making neighborhoods themselves spaces of carceral control; what sociologist Victor Rios calls "the youth control complex." Rios pushes against the taken-for-granted notion that with the rise of neoliberal urbanism came the total retreat of the state from cities. Rather, he demonstrates that poor communities of color "have not been abandoned by the state. Instead, the state has become deeply embedded in their everyday lives, through the auspices of punitive social control."[111] Rios argues that contemporaneous with the retreat of the welfare state and the degradation of social services was the rise of a state-sponsored and state-imposed architecture of social control that legitimates itself on the street, in schools, hospitals, community centers, banks, and elsewhere. Scholars interested in policing in New York City in particular have noted that the decline in incarceration rates in the 2010s state and city-wide do not amount to a constriction of carceral power, as de Blasio attempts to argue. Rather, they cite shifts in policing practices as the state moving "from an emphasis on using extensive imprisonment as the primary tool of punitive social control towards the intense regulation of low-income communities of color as prisonlike spaces themselves," in other words "an extension of the carceral state to the community."[112] Though no scholarship yet exists on the Neighborhood Policing model's specific effects on the

[110] Rios, *Punished;* Alexander, *The New Jim Crow;* Gilmore, *Golden Gulag.*
[111] Rios, *Punished,* 21.
[112] Vitale, Alex and Jefferson, Brian Jordan. "The Emergence of Command and Control Policing in Neoliberal New York" from *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*. London: Verso, 2016. 157-158).

carceral control of New York City, we can see these trends taking shape. In addition to the assurance that 5,000 New Yorkers will continue to populate New York's jails daily, leaching into the "neighborhood" now takes the form of Neighborhood Police forces opening their first outposts in the NYC public school system at the end of 2018, beginning in the Bronx.[113] Flagrant displays of carceral reach like school programs become even more insidious when understood in conjunction with the NYPD's overall strategy to embed itself in order to erase its perceived influence, all under a veil of "community participation" and "familiarity."

Guilty Space

Fully reckoning with the simultaneous ideological and spatial ramifications of neoliberal-carceral citizenship in New York entails interrogating how social control is itself an example of the "spatiality of injustice." Racialized, punitive social control in contemporary New York relies upon a distinct bundle of strategies that have gained legitimacy over the past quarter-century, like predictive policing, algorithmic technology, and risk assessment, which now congeal to produce what I call "guilty space." A spatial corollary to the neoliberal incorrigible citizen, guilty space *inscribes* carceral incorrigibility onto the city through a style of criminalization that uses predictive enforcement and predictive technology to validate itself.

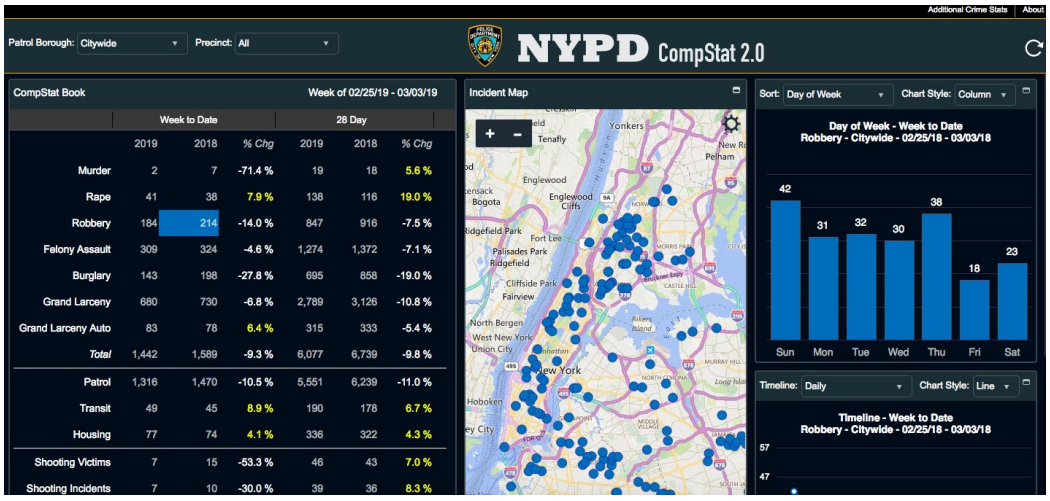
Since the mid-1990s, when an unprecedented uptick in urban crime presented the city with a commandment to aggressively address the "crime problem," the hallmark of NYPD strategy has been CompStat. Short for "comparative statistics," CompStat began as a paper-and-pushpins approach to tracking, anticipating, and attacking crime in the city. Pioneered

[113] "Neighborhood Policing Now in Every Neighborhood in New York City." The City of New York, October 22, 2018. http://www1.nyc.gov/site/nypd/news/pr1022/neighborhood-policing-now-every-neighborhood-new-york-city.

by Jack Maple, who would eventually rise to Bratton's second-in-command, CompStat was intended to understand crime patterns as intimately as possible (through recording every instance of every type of crime) and to track its geography (by creating maps illustrating crime throughout the city). Maple called these compilations of statistics "charts of the future"– indicating both that this past data would determine the future choices of the NYPD and that his strategy was, in his eyes, forward-thinking.[114] Maple, perhaps, never could have predicted the role technology would play in turning his innovative crime tracking program into a fully institutionalized, translatable, and efficient system that is now used by police departments across the country.[115] The scale of information now folded into the purview of CompStat, along with the technological muscle it now boasts, allows for "real-time monitoring, mobile surveillance, wall-to-wall screens, personal histories collated from social media, and license plate readers"– meaning the scale and efficiency of CompStat has exploded since its introduction on analog acetate maps and pushpins in the '90s.[116] While the goal of CompStat has always been "future tense policing...trying to forecast crime before it happens," advancements in big data and GIS have enabled systems to make instantaneous decisions based on constantly expanding and evolving data sets that are increasingly personal.[117]

[114] "Episode #127 The Crime Machine, Part I." Reply All. Gimlet Media, October 11, 2018. https://www.gimletmedia.com/reply-all/127-the-crime-machine-part-i.
[115] "CompStat: Its Origins, Evolution, and Future in Law Enforcement Agencies." Bureau of Justice Assistance, Police Executive Research Forum, 2013.
[116] Burrington, Ingrid. "Policing Is an Information Business." *Urban Omnibus,* June 20, 2018. https://urbanomnibus.net/2018/06/policing-is-an-information-business/.
[117] Burrington, "Policing Is an Information Business."

An early CompStat meeting.[118]



NYPD CompStat Website, 2019.[119]

At its core, CompStat seeks to *predict* rather than *react*, and relies upon geography to make sense of its predictions. While learning from the past to anticipate the future is an understandable and universal propensity in all kinds of fields, predictive policing inscribes

[118] Harvard Kennedy School, Ash Center for Democratic Governance and Innovation. https://www.innovations.harvard.edu/compstat-crime-reduction-management-tool.
[119] NYPD. "NYPD CompStat 2.0." Accessed April 19, 2019. https://compstat.nypdonline.org/2e5c3f4b-85c1-4635-83c6-22b27fe7c75c/view/89.

anticipated, and thus, *assumed* crime onto the physical and ideological map of the city. In this sense, CompStat works within the logic of racialized hypercriminalization discussed earlier, a social control apparatus that Victor Rios argues marks young Black and Latino men through "the process of receiving negative credentials, even prior to having a criminal record,"[120] which he describes as "guilty until proven innocent."[121] Rios's framework is directly identifiable in the debate around both stop-and-frisks and more recently, summons quotas. Not only has CompStat placed pressure on precincts to keep crime rates falling by any means necessary (including falsifying or fudging data),[122] but its obsession with mapping crime has turned into a justification for identifying, frisking, and potentially arresting "suspects" that match vague descriptors of the perpetrators mapped in their system.[123] While the NYPD claimed at the height of stop-and-frisk that racial profiling was not the driver of its stops that overwhelmingly targeted Black and Brown youth, and today maintains that it has no quota system regarding summonses, current and former officers have been speaking out through the legal system, suing the NYPD over the illegal use of quotas– which in 2017 resulted in a $75 million dollar settlement.

Data-driven and geographically grounded predictive policing manages "risk" through anticipating crime, inscribing space with carceral incorrigibility in much the same way that populations are marked. Taking the original CompStat acetate map and push-pin setup as an early iteration of this phenomenon, maps have become essential to understanding crime and

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[120] Rios, *Punished,* 39.
[121] Rios, *Punished,* 19.
[122] For reports of qualms with accuracy of CompStat, see Rayman, Graham. "The NYPD Tapes: Inside Bed-Stuy's 81st Precinct." *Village Voice*, May 4, 2010. https://www.villagevoice.com/2010/05/04/the-nypd-tapes-inside-bed-stuys-81st-precinct/; and Poston, Ben, and et. al. "LAPD Underreported Serious Assaults, Skewing Crime Stats for 8 Years." *LA Times*, October 15, 2015. https://www.latimes.com/local/cityhall/la-me-crime-stats-20151015-story.html.
[123] "Episode #128 The Crime Machine, Part II." Reply All. Gimlet Media, October 12, 2018. https://www.gimletmedia.com/reply-all/128-the-crime-machine-part-ii.

criminality *and* to geographically imagining the city, its risks, and its "problems." Indeed, "maps have helped legitimize and (literally and figuratively) ground mythologized versions of cities" through data-driven policing strategies.[124] Entrenching mapping, big-and-getting-bigger data, and a propensity toward anticipation and prediction inscribes imagined criminality on urban space to the extent that past crime in certain areas informs future action. Indeed, space itself is deemed guilty. Guilty space directly affects embodied experience, as "predictions are much more about constructing the future through the present management of subjects categorized as threats or risks," than about addressing crime for crime's sake.[125] Marking actively produces subjects as "risky," or "preemptively assumed guilty," which in turn becomes a rationale for treating people accordingly.[126] In this way, prediction excuses social control, criminalization, over-policing, and incarceration as potential "risk" and actual crime get collapsed into one category. Marking entire spaces as preemptively guilty opens the gates for individuals to live their lives disproportionately under the shadow of the carceral state– with contact as an ever-present possibility. The grey-areas intentionally produced by the NYPD and de Blasio's jail plan resurface here as where you live, what race you are, and how much economic opportunity you have all introduce this liminal state of being, constantly threatened by the assumptions, predictions, and actions of the criminal justice system.

Conclusion

This chapter sought to expose the false choice of "Smaller" by analyzing how the ideological orientation of the neoliberal and carceral city works with the borough-based jail

[124] Burrington, "Policing Is an Information Business."
[125] Wang, Jackie. *Carceral Capitalism.* Cambridge, MA: MIT Press, 2018, 43-44.
[126] Wang, *Carceral Capitalism.*

plan's reduction strategies to expand and obscure the reach of the carceral state. Reliant upon investments in liminal categories, the plan works to maintain arrestable subjects in an interstitial place between full citizenship and incapacitating incarceration and legitimates itself, as a plan, by remaining suspended between liberal ethics of care, expanding disciplinary power, and renegotiating the form and location of carceral space. This plan and its strategies, spanning so-called alternatives to incarceration, policing, spatialized social control, and formations of civic citizenship, "create the illusion of...flexibility while actually being more totalizing in their diffuseness."[127] By predicting and inscribing criminality onto both excludable urban populations and racialized, economically "deficient" neighborhoods, this plan to reduce the jail population instead reproduces the inherent logics of the jail in order to sustain a capillary expansion of carceral programs into increasingly unfamiliar arenas of civic life.

[127] Wang, *Carceral Capitalism,* 53.

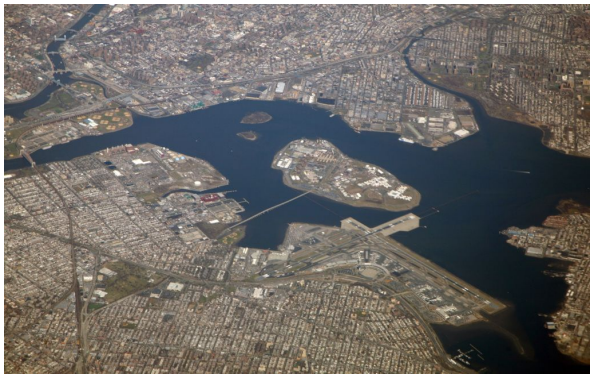
Chapter 2
"Safer": Designing Carceral Complacency

The life cycle of New York City's jails has followed familiar patterns for generations. In the 1930s, the jail on Blackwell's Island (now Roosevelt Island) was relocated up the East River to Rikers Island. Likewise, in the '70s, expanded carceral capacity on Rikers– an island with "natural" separation between itself and the city– proved to be the embraced solution to "antiquated" conditions, dilapidated buildings, and notorious scandals at Manhattan's "Tombs" complex and its House of Detention for Women.[128] Looking to address entrenched issues in the city's detention system, reformers erected sprawling rows of jail buildings on the island to counteract what they saw as endemic problems resulting from the tall, fortress-like, city-sited structures of a bygone era. By the end of the 20th century, nearly 100 years of "progressive" reforms had turned Rikers Island from a 90-acre landfill to "one of the world's largest penal colonies."[129]

New York City's cycles of decline and reform in its jail system resonate with David Harvey's concept of "creative destruction" in which, as Soja ironically paraphrases, old structures or "the 'old' geography...can become countervailing, counterproductive, imprisoning, constraining, no longer suitable to immediate needs," enticing the city "to have to destroy it, usually in the course of crises, at a subsequent point in time.'"[130] Soja goes on to assert this dynamic as "a theory of crisis formation and 'creative destruction' built into the historical

[128] Shanahan, Jarrod, and Jack Norton. "A Jail to End All Jails." Urban Omnibus, December 6, 2017. https://urbanomnibus.net/2017/12/jail-end-jails/.
[129] Shanahan and Norton, "A Jail to End All Jails."
[130] Soja, *Seeking Spatial Justice,* 89-90.

geography of urban development." In this scheme, the city itself becomes, of necessity, a generator of its own crises as a result of "capital's search for a rejuvenative 'spatial fix.'"[131] Today, crises at Rikers Island are now calling for the next "spatial fix" for the city's ailing jail system.[132]




Rikers Island sits between Queens and the Bronx in the East River, and is home to ten facilities that make up its jail complex.[133]

Though it has scattered detention facilities across its boroughs, New York's center of carceral gravity undoubtedly sits within Rikers Island, which today contains a sprawling complex of ten jails.[134] A fleet of liberal reforms has emerged to address this generation's jail crisis, most notably Mayor de Blasio's roadmap to closing Rikers Island. The de Blasio administration's report was launched alongside two other notable proposals: "A More Just New York City," released in 2017 by the Independent Commission on New York City Criminal

[131] Soja, *Seeking Spatial Justice.*
[132] Ruth Wilson Gilmore expands upon the prison as a "spatial fix" in *Golden Gulag* (2007). As explored in the previous chapter, the logic of the urban jail does not easily conform to Gilmore's exploration of the political economy of the rural prison, though similar dynamics with urban jail siting, while outside the scope of this paper, certainly deserve scholarly attention.
[133] Independent Commission on New York City Criminal Justice and Incarceration Reform. "A More Just New York City," 2017; Searls, Doc. "Rikers Island in 2012." https://archpaper.com/2018/01/city-taps-perkins-eastman-study-alternatives-rikers/.
[134] "DOC Facility Addresses." New York City Department of Corrections. Accessed April 19, 2019. https://www1.nyc.gov/site/doc/about/facilities-locations.page.

Justice and Incarceration Reform, a team spearheaded by NYC Council Member Melissa Mark-Viverito and former New York State Chief Judge Jonathan Lippman, and details recommendations to close Rikers Island and replace it with a network of community jails. De Blasio announced his intention to shutter Rikers Island over ten years on the heels of this report, often referred to as the "Lippman Commission" report, and incorporated the majority of its recommendations into his administration's official plan, which was released in 2018. Shortly after de Blasio unveiled the official roadmap to closing Rikers, the Van Alen Institute (a nonprofit architecture organization) and the Independent Commission on New York City Criminal Justice and Incarceration Reform released the widely-publicized design proposal entitled "Justice in Design: Toward a Healthier and More Just New York City Jail System," which proposed an architectural and urban design scheme for the city's jail system. Though de Blasio's plan is technically independent from the latter two proposals, each report was produced by a distinct yet overlapping network of government officials, public institutions, nonprofit organizations, and private consultants and firms in strategic succession. Accordingly, the Lippman Commission report and "Justice in Design" both represent an agglomeration of public and private interests, reflecting and influencing the de Blasio administration's vision, but also including private and nonprofit interests uninvolved, technically speaking, with de Blasio's proposal. The overlapping timelines, actors, and recommendations, however, ultimately help us to understand this fleet of liberal reforms as an example of planning produced via private-public partnerships.

Each document shares a vision for jail reform that foregrounds the shuttering of Rikers Island and the opening of four new jails– one for each borough, save Staten Island[135]– within the city's neighborhoods. The Mayor's office summarizes what they call the "borough-based jail" plan on the project's website (the basic sentiment of which is echoed in the other two reports):

> This borough-based system would strengthen connections to families, attorneys, courts, medical and mental health care, and faith and community-based organizations. Being closer to home and transit would enhance the network of support systems for people who are detained, and help prevent future returns to jail. The new facilities would be designed to foster safety and wellbeing for both those incarcerated and for staff, providing space for quality education, health, and therapeutic programming. Modern facilities would also serve as a catalyst for positive change in the community and the criminal justice system.[136]

Eschewing the isolation of Rikers, these reformers seek to embed jails in the urban fabric via a network of four "borough-based jails." The sites of these new jails were selected according to the following criteria: "1. Proximity to courthouses to reduce delays in cases and the time...in jail; 2. Accessibility to public transportation so family members, lawyers, and service providers can easily visit; 3. Sufficient size to fit an equitable distribution of the City's jail population across four boroughs... 4. City-owned land that would allow for swift development of the new jail."[137] According to these categories, as of writing in April, 2019, the four new jails are to be located in Lower Manhattan; Mott Haven, Bronx; Downtown Brooklyn; and Kew Gardens, Queens. While the liberal reformers behind the plans assert that "closing Rikers Island and building smaller borough-based [jails] is the first step toward a healthier, more effective criminal justice system that can extend beyond jail buildings to individuals and communities," this

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[135] While the de Blasio administration claims that the Staten Island facility would be too small to justify its cost, critics and observers suspect the administration is simply avoiding expected opposition from the borough's more conservative population. Chammah, Maurice. "Inside the Mayor's Plan to Close Rikers."

[136] "Borough-Based Jails: Status Report." NYC Office of the Mayor. https://rikers.cityofnewyork.us/nyc-borough-based-jails/

[137] NYC Office of the Mayor. "Beyond Rikers: Towards a Borough-Based Jail System," August 2018.

chapter seeks to interrogate the spatial and social politics of these proposals by interrogating their geographical, aesthetic, and ideological craftsmanship. In so doing, I engage with questions addressing the socio-spatial implications of jail dispersal and neighborhood-jail integration by asking: What does it mean for jails to be indistinguishable from the rest of the urban fabric? What ideological work does such a move accomplish? What are the logics behind and the consequences of imagining jails as city assets rather than fearing them as spaces? Most succinctly: why, as urban dwellers, are we supposed to *desire* the jail?

Through examining these three proposals and their constituent logics, neo/liberal investments, and aesthetic orientations, I argue that each works to both embed and obscure the jail within neighborhoods by investing in a bifurcated vision of the city. Those implicated by the carceral state– both those detained and those released or visiting jailed loved ones, indeed, the arrestable, neoliberal incorrigible– are intended, in this plan, to be constantly confronted with the boundaries around and distinctions between the "inside," confining space of the jail and the "outside," free space of the city. They are marked, through these proposals, with pre-defined needs and roles in the neighborhood space, all circumscribed by the carceral state. On the other hand, these plans delineate spatially overlapping yet materially distinct intentions for those urban dwellers who are unencumbered by the carceral state, and thus can be understood as potential urban consumers. For this population, the embeddedness of the jail is obscured through hiding its function, aesthetically merging it into the cityscape, and rebranding it as another urban amenity in a larger quest for simultaneous neighborhood commodification and criminal justice reform.

Spatialized Neoliberalism and Carceral Imaginaries

The reforms presented by de Blasio's Masterplan, the Lippman Commission Report, and the Justice in Design report all cite the "culture of violence"[138] at Rikers Island as the most persistent barrier to addressing the system's ongoing crisis. Each report understands this entrenched culture as constructed and nurtured by the "'out of sight, out of mind' approach to corrections," employed at Rikers which they posit "increase[s] the risk of violence, dehumanizing conditions, and a culture of morally rationalized exclusion."[139] The redeemability of the system and its potential to reform is thus constructed throughout the plans and reports as reliant upon a spatial form *distinct* from Rikers's isolated island. Instead, they turn to the expanded and embedded network. As discussed in the Introduction and Chapter 1, New York's neoliberal city management strategies are not divorced from the action of the city government on behalf of the carceral state; rather, the neoliberal and carceral arms work together to constitute the urban realm.[140] Taking seriously this mutually-reinforcing relationship between the urban and the penal, I echo scholars who understand spatial choices and consequences as "at once a foundation, an arena and a mechanism for the mobilization of neoliberal political strategies."[141] I thus understand the jail plan's spatial dimension as a "spatial fix" to the crises at Rikers Island that helps to prop up and elaborate upon neoliberal urban politics in New York. The plan's neoliberal and spatial underpinnings centralize the neighborhood and smaller-scale

[138] Independent Commission on New York City Criminal Justice and Incarceration Reform. "A More Just New York City," 2017, 71.
[139] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design: Toward a Healthier and More Just New York City Jail System," 2017, 51.
[140] Harcourt, Bernard E. "Neoliberal Penality: A Brief Genealogy." *Theoretical Criminology* 14, no. 1 (2010): 74–92. https://doi.org/10.1177/1362480609352785. **????*** (check source)
[141] Brenner, Neil, and Nik Theodore. "Neoliberalism and the Urban Condition." *City* 9, no. 1 (April 1, 2005): 101–7. https://doi.org/10.1080/13604810500092106, 107.

public-private cooperation as proper sites of urban intervention; construct smaller, expanded jails as potential marketable assets in those neighborhoods; promise to save the city billions of dollars in the years following the plan's implementation; and finally "free up" the massive and economically dead space on Rikers Island itself, through potential commercial or residential redevelopment or as a city utility hub.[142]

The spatial fix also helps to perpetuate incarceration as a fixed facet of city life. As carceral space expands into hitherto unfamiliar territory, as demonstrated in Chapter 1, penal control as a state of nature becomes more graspable and is facilitated through smaller but more frequent and ubiquitous interactions with law enforcement and criminal justice. As Neil Smith argues, "myth is constituted by the loss of the *geographical* quality of things," such that "deterritorialization is...central to mythmaking, and the more events are wrenched from their constitutive geographies, the more powerful the mythology."[143] Taking Smith's argument into the carceral realm, I argue that both diffusion of carceral power in the form of the production of guilty space and incorrigible citizens, and the literal deterritorialization of jail as we know it– say, the move from an island penal colony to a network of neighborhood jails– work to concretize mythology around incarceration that establishes the U.S. penchant for imprisonment as natural and unquestionable.[144]

The designers behind New York's jail plan urge their audience to consider: "By *rethinking the idea of what a jail can be*, a new borough-based model can increase transparency, accountability, and community inclusion, and reinforce the value of public institutions for New

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[142] Independent Commission on New York City Criminal Justice and Incarceration Reform. "A More Just New York City," 71.
[143]Smith, Neil. "Revanchist Planet: Regeneration and the Axis of Co-Evilism." 2009, The Right to the City: the Entitled and the Excluded, March 2009. http://www.urbanreinventors.net/paper.php?issue=3&author=smith1, 12.
[144] Harcourt, "Neoliberal Penality."

Yorkers" (emphasis mine).[145] While the authors of this plan construct its vision as one of reimagination, that imagination only extends as far as the appearance and location of the jail; it fails to interrogate what the jail does, or question what it is and how its functionality and consequences are pertinent to city life today, undermining the progressive claims that "modern," "humane," and "dignified" new jails will address the systemic ills of mass incarceration. The jail remains an undisputed, accepted, and even *desirable* locus of city identity, and thus helps to *constitute* urban mass incarceration in these progressive calls for self-described "new" ways to "imagine" the jail. New York's jail expansion plans exemplify this dynamic. While the introductions and conclusions of most of the documents recognize the systemic issues endemic to the harms of mass incarceration, like the fact that 88% of people detained on Rikers Island are Black or Latinx,[146] or that the violence on Rikers is deeply entrenched and a symptom of structural failings, the bodies of the reports fail to meaningfully engage with such questions of structural violence. The introductory and summarizing text of these reports checks the boxes of liberal politicking by acknowledging commonly-held criticisms of mass incarceration and systemic disparities that give many pause, including many of de Blasio's constituents. However, failing to engage with ideas or strategies that challenge these constitutive logics and embedded notions of incarceration help to imbue the plan with consequences and rationalities that are counter to the plans' stated progressive goals. Despite limited apparent investment in foundationally changing criminal justice with a systems-focused approach that challenges racial

[145] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 10.
[146] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design."

injustice in particular, as the Justice in Design report mentions,[147] its proposals, strategies, and rationale maintain an investment in carcerality as an urban state of nature, and do not fundamentally critique, much less reimagine, these civic institutions. Rather, fixed imaginaries lead to "dis/juncture"[148]: a de facto acceptance of the underlying logics of mass incarceration as necessary to the liberal reform that nominally seeks to "decarcerate."

Reliance upon existing constructs, too, translates to material limitations, such that visions for the future design of jails is only wrought in *comparison* to existing institutions. These comparisons go on to shape designers and politicians' "articulation of what [is] possible" such that existing carceral space, namely Rikers Island, "[offer] officials both the physical template for what they envisioned and a symbolic template against which they could critically position" their proposed reforms.[149] As such, the acceptance of existing carceral modalities as the only template for future conception obscures both ideological and material possibility for extending to radically new horizons. Precluding reformers from interrogating the nature or functionality of the jail itself, neoliberalism's "spatial fix" and carceral imaginaries work to reinforce the ideologies of mass incarceration as natural, inevitable, and needed.

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[147] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 16.
[148] Judah. "'A Lockdown Facility … with the Feel of a Small, Private College': Liberal Politics, Jail Expansion, and the Carceral Habitus." *Theoretical Criminology* 17, no. 1 (January 23, 2013): 71–88. https://doi.org/10.1177/1362480612463113.
[149] Schept, "'A Lockdown Facility … with the Feel of a Small, Private College,'" 79-80.

Neighborhood Jails

"A Jail as a Good Neighbor"– page heading from Borough-Based Jails Masterplan[150]

The plans do channel the energies of "reimagining" into understanding anew how the city can and should *interact with* the jail, calling upon the neighborhood as the ideal site of intervention. Eschewing the identified ills of the "out of sight, out of mind" Rikers paradigm, de Blasio's Masterplan instead asks us to think of the jail as a potential and welcomed neighbor. As a "good neighbor," "modern facilities would...serve as a catalyst for positive change in the community and the criminal justice system" by "reimagining...jails as civic assets that would provide a better life for those who are detained and work in them, support smoother transitions back home, and serve as resources for the community."[151] Construing new jails as "civic assets," the city urges the readers of this plan to reconsider how the jail in its current form can be *amended* or *added to* in order to transform it into a perceived boon for the community. These additions include balancing "the demands of security with the need to present a welcoming face to the neighborhood," designing exteriors that "reflect the look and feel of their surroundings," and the addition of "separate units, to be accessed from the street, that house services that offer programming to facilitate rehabilitation and reentry" that "could also be used to hold community

[150] NYC Office of the Mayor. "Beyond Rikers: Towards a Borough-Based Jail System," August 2018.
[151] NYC Office of the Mayor. "Beyond Rikers: Towards a Borough-Based Jail System," August 2018.

meetings or public services like a library, a job training center, classrooms, as well as commercial and retail businesses."[152] By compartmentalizing the jail, planners can maintain the functionality and carceral intent of the "inside" while packaging, "reimagining," and ultimately reselling the "outside" to residents of the neighborhood. Readying space for consumption is a fixture of neoliberal urban policy that here coalesces with the penal state to empty cities of both "their 'troublesome poverty'" and their troublesome institutions, like jails, and transform them into "into smooth, clean zones for the enjoyment of 'consumers of urban space'"[153] In this sense, reimagining the jail as a "good neighbor" entails maintaining the jail's integral functionality, in a sense its interior, and "smoothing" out the exterior of the jail into a palatable and "useable" face for productivity and consumption.

[152] Independent Commission on New York City Criminal Justice and Incarceration Reform. "A More Just New York City," 76.
[153] Smith, Caleb. "Spaces of Punitive Violence." Criticism 55, no. 1 (2013): 161–68.

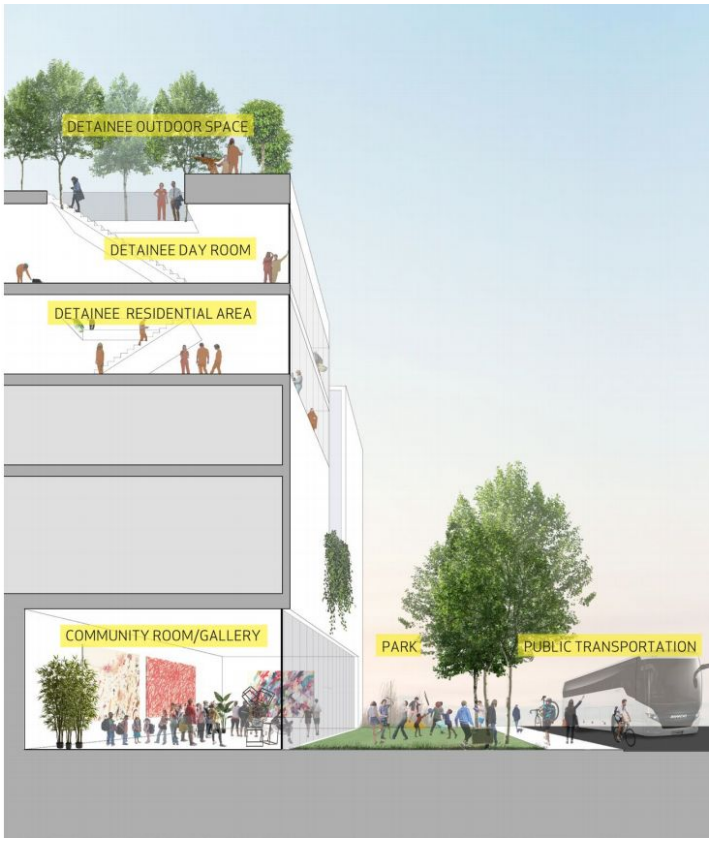

Figure 2. A section view of the "Justice Hub" offered in "Justice in Design"[154]

Figure 2 shows a sectional mockup from the Justice in Design proposal of a jail and its integration with the street outside. While the spatial configuration of this jail site entails its physical proximity to, and indeed embeddedness within, the surrounding neighborhood, the spatial and ideological configuration of the building itself in this rendering does not communicate straightforward integration. While one couldn't expect jail reformists of this sort to fully integrate jailed and "free" persons within a jail facility, this image still works to distinguish life "inside" from life "outside" as necessarily incongruous categories. The bottom floor, here used as a public art gallery and community space, is bustling, full of people, and open to the

[154] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. “Justice in Design."

outside world through the inclusion of a glass wall between the streetside park and the interior of the building. The space itself is full of art, implying access to and prioritization of cultural consumption. Each person populating the floor level, both inside and outside of the building, wears distinctive clothing, labeling them as individualized urban dwellers coming together within the space of the "community room." In stark contrast, the detainees in the rendering are made subjectless by their uniform dress in orange jumpsuits, one of the most common visual signifiers of a prisoner. The space of the securitized jail is empty, devoid of dynamism, limited only to white walls. What's more, the jail space is separated from the communal space by a few floors of unmarked territory, signifying that "appropriate" distance will be devised between the detainees and the civilians below. By working to maintain physical and ideological distance between those imprisoned and those outside, between the space of the jail and the space of the commons, this image works to maintain the defining features of the jail as we know it– depersonalized, cold, routine, mundane, and distinctively unfree– while packaging the exterior and non-jail parts of the building for consumption by the free urban public. Not only does this design work to separate these spaces, but it works to erase the presence of the jail *as a jail* for those consuming the community space, who are expected to connote the jail with leisure and even fun on the ground floor, while the functionality of the jail remains separate and out of sight upstairs. This rendering then obscures the jail space through the introduction of leisure space, hiding boundaries of the carceral area from the outside while concretizing them for those inside.

Normalizing in the Name of Complacency

> Modern jails are sealed buildings. We use glazing, we don't use steel bars, so you can design a building to be a legitimate civic building. You could drive by, you wouldn't know it's a jail. A lot of the jails we're doing are downtown now, adjacent to the courts.

> And because of the modern materials, we're able to make them look like an ordinary building that an ordinary person would not be afraid of.
>
> - Kenneth Ricci, prominent New York City jail architect[155]

The above explication of the "modern" jail by prominent New York prison architect Kenneth Ricci emphasizes that deviating aesthetically from the normative fixtures of jails, like fortress design and steel bars, can work to "legitimate" the building as a feature of the urban landscape by making it *visually unrecognizable as a jail.* "Smoothing out" the jail's exterior to facilitate its consumption also marks the jail as increasingly anonymous and, at the service of preserving imaginaries around mass incarceration as a naturalized phenomenon, increasingly digestible to the public. In fact, constructing jails to look like "ordinary" buildings helps to limit the public's negative affective response to the space– ridding the facade of its usual connotations with alienation, harm, fear, loss, sadness, confusion, or trepidation. By seeking to construct detention facilities that "an ordinary person would not be afraid of," the aesthetic normalization of modern jails within progressive criminal justice reform ultimately work to hide the jail and its constitutive violence under the guise of both criminal justice "accountability" and popular aesthetic consent.

In the context of these design proposals, aesthetic consent entails the popular acceptance of a building due to its association with aesthetically normative or predictable urban fixtures. In other words, the exterior look of a building, its normative visual character, conjures a kind of consent from the urban public despite the building's purpose or what it contains, often in the form of maintained or increased urban consumption. In this sense, mapping accepted generic aesthetics and design elements onto the jail acts to dissociate the form of the building from its

[155] Genevro, Rosalie. "What Jail Can't Do." Urban Omnibus, December 6, 2017. https://urbanomnibus.net/2017/12/what-jail-cant-do.

function. Such obfuscation is gaining prominence in the prison design world, in which these new forms challenge "the imagery of obvious and indiscreet prisons...popularized by the world's most famous prisons like Alcatraz," as trends today "work in precisely the opposite direction, occluding rather than announcing the presence of carceral space."[156] Carceral geographers argue that this "concealment is driven by a desire to escape the inconveniences of public scrutiny," by disguising the jail with a facade that lacks the "look" of a space of confinement, or, indeed, a connotation with the prison industrial complex.[157]

Even beyond the carceral state seeking to avoid unnecessary scrutiny, such concealment also works to make the urban fabric more palatable to the everyday urban dweller. The "public" that designers and officials hope to appeal to, however, does not include those detained in jails or their loved ones coming to visit them; those enveloped by the carceral state know all too well that they are entering or are inside a jail. Rather, these designs appeal to a *distinct* urban "public" that would otherwise have no contact with a jail, and who in this plan would have no reason to interact with or understand the jail *as a jail.* Taking seriously that consumers' preferences "become a form of power,"[158] concealing and obscuring the discomfort that accompanies coming face-to-face with a jail– a place of distinct unfreedom– avoids disrupting both the perceived "freedom" of market activity in the neoliberal city and the ease with which residents can comfortably consume their surroundings. In this sense, the obscured carceral space echoes Wacquant's understanding that "the enemy" of the neoliberal city has become, especially in the era of broken windows policing, "the subproletariat that mars the scenery and menaces or annoys

[156] Gill, Conlon, Moran, and Burridge. "Carceral Circuitry."
[157] Gill et al., "Carceral Circuitry."
[158] Zukin, Sharon. *Naked City: The Death and Life of Authentic Urban Places*. Oxford: Oxford University Press, 2010, 28.

the consumers of urban space."[159] Consumers *want* the ugly facts of life to happen "over there," seeking distance from both the "subproletariat" on the street and he who is confined within the jail. This power to determine the appropriate use of space, whatever uses ensure that the city is "a 24/7 entertainment zone with safe, clean, predictable space and modern, upscale neighborhoods," ensures that nothing disrupts the consumers' psychic ability to consume that space. Indeed, it is much less disruptive to simply not notice the jail– the symbol of disorder, confinement, conflict– than to be confronted with its anomalous existence on a neighborhood's street.[160] Detaching fear or trepidation from the affective experience of encountering a jail also works to eliminate scrutiny by virtue of smoothing over discomfort. These designs thus work to map two distinct experiences of the borough-based jail onto two different "publics"; while the perceived urban consumer who has no personal relationship to the carceral state is intended to *not see* the jail by virtue of its street-level non-carceral functionality and its visual collapse into the neighborhood, the "incorrigible" New Yorkers who are either in jail, visiting jail, or otherwise interacting with the justice system directly, are intended to understand the jail as a distinct space, intentionally distanced from the "free" urban world outside.

Branding the "Justice Hub": Packaging, Naming, and Gentrifying Carceral Space

> Justice Hubs are facilities that create healthy, normative environments and support rehabilitation for incarcerated or detained individuals, while simultaneously providing neighborhoods with new public amenities. These facilities take into account the context of surrounding communities. The guidelines offer *resources for all neighborhood residents*, reducing the fear and stigma surrounding jails while providing *shared amenities,* such as community gardens, art studios, exercise facilities, medical clinics, and social services. Calling for *on-site programs* such as job training centers, community courts, a police department, and probation offices, the guidelines position Justice Hubs as

[159] Smith, "Spaces of Punitive Violence," 16.
[160] Zukin, *Naked City,* 4.

> public *sites of civic unity* with integrated routes for detainees to return to life in the city, restoring dignity to people who are incarcerated.
>
> - Justice in Design (emphasis in original)[161]

Despite the modern, urban jail's designed ethos of popular complacency, constructing neighborhood space as consumable and comfortable entails not only disguising the jail via camouflage but actively managing its brand as a possible amenity. As the only document with concrete design elements, spatial configurations, and logistical details pertaining to the look, placement, and relationships of the borough-based jail, the Justice in Design report stands out in its use of branding its "Justice Hubs" as a way to sell the jail expansion plan.

New York's landscape has seen every possible cycle of decay and renewal, dereliction and gentrification. Since the 1970s, New York's urban strategy has zeroed-in on marketability at all costs, eschewing its past as the social welfare city where free college tuition and extensive public infrastructure shaped life for the middle class.[162] Since the turn of the millenium, hyperfocus on selling the city has become the newest management trend to dominate the New York landscape, and under that guise, it's not surprising that traditionally undesirable spaces of administrative necessity, like the jail, would be next in line to tumble through the spin-cycle of urban commodification. As I have mentioned, community and neighborhood-level interventions in particular have become a fixture of neoliberal city management as "big government" has given way to smaller-scale public-private partnerships that provide funding and development for individual neighborhoods. Not only is Justice in Design the result of public-private planning in itself, but neighborhood-based "Justice Hubs" that "can foster positive change for the entire city" represent the next phase of public-private intervention, working to repackage, and indeed,

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[161] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 9.
[162] Philips-Fein, *Fear City.*

rebrand the urban jail.[163] Through visually and rhetorically constructing the borough-based jails as a kind of neighborhood-level revitalization project, "premised on rectifying 'obsolescent'...places" like the jail, the report maps its project onto easily understood and digested narratives of neighborhood uplift and consequent gentrification.[164]

Much of the rhetorical power of this design proposal lies in the construction of the jail as the "Justice Hub." Spaces of confinement have historically and continue to carry varied titles: "penitentiary," "correctional institution," "county jail," "facility," "reformatory," "prison," "detention center,"– the list goes on. "Justice Hub," however, is a new rhetorical construction for the jail; it is a new face. Names work to facilitate urban understanding, to imbue space with political, social, and affective meaning.[165] State-sponsored naming in particular holds power to rewrite history by inscribing new associations with a building or institution.[166] Following the compulsion to "hide" the jail within the urban fabric, the name "Justice Hub" works to shroud the recognizable structure of the jail through rebranding and re-association. Leaving the name ambiguous and associated with only the broadly-accepted "good" category of "justice" is intended to make the space more palatable and more desirable to the public. What's more, calling the complex a "hub," associates the space with life, dynamism, and activity, characteristics not typically related to carceral spaces or places of confinement. By naming the jail in this way, the

[163] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 26.
[164] Masuda, Jeffrey R., and Sonia Bookman. "Neighbourhood Branding and the Right to the City." Progress in Human Geography 42, no. 2 (October 17, 2016): 165–82. https://doi.org/10.1177/0309132516671822.
[165] Masuda and Bookman, "Neighbourhood Branding"; Smith, Neil. *The New Urban Frontier: Gentrification and the Revanchist City*. London: Routledge, 1996.
[166] Masuda and Bookman, "Neighbourhood Branding."

report works to associate a traditionally undesirable space with new, positive, and sellable traits.

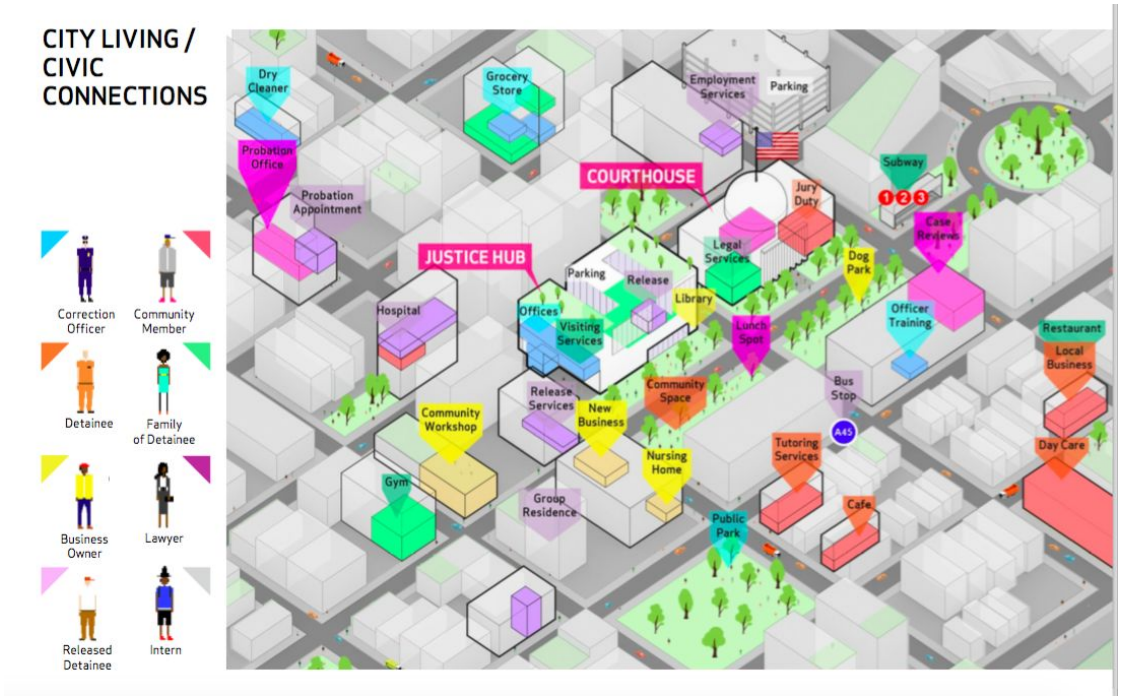


Figure 3. "City Living/ Civic Connections"– a rendering of how the Justice Hub would figure into and augment a neighborhood.

In addition to naming, the visual construction of the Justice Hub works to reimagine the relationship between the jail and the consumable, desirable neighborhood. The above depiction of the Justice Hub presents a picture of one kind of ideal neighborhood: convenient, walkable, workable. A visitor could run errands (groceries, dry cleaning,) exercise (gym, dog park), deal with obligations (jury duty, employment office,) shop (businesses, cafe, restaurant), visit the doctor or an ailing relative (hospital, nursing home), access public transit (subway), and engage with the community (tutoring, community workshop, daycare, library). Among these facilities is the Justice Hub– highlighted as a convenience on this map to the same degree as, say, the market. Drawn integrated into this matrix of civic resources, the Justice Hub itself is construed as an amenity– as additive to the general urban experience. As a "civic amenity," the Justice Hub

calls upon other, more traditional positive features– parks, libraries, stores, schools– to collapse itself into that same category of neighborhood attraction. This kind of branding-via-association, in which the Justice Hub associates itself as an amenity alongside common additive urban features, helps to nurture within it a kind of neighborhood desirability. While the jail, historically, has never been associated with neighborhood benefit, this configuration emphasizes the fact that "the impetus to brand appears to fall disproportionately on those places that are the most alien in form and function to the entrepreneurial instincts" of the city.[167] Within this spatial collage of "amenities" presented by "City Living / Civic Connections," the jail is able to both blend in– obscuring its usual "alien" status– and reap benefits-by-association of the amenities that surround it.

The mosaic of urban resources in this scheme also works to construe the neighborhood itself as especially desirable. The very state of this "hub"– that everything one would need is within arms reach– is idealized to the extent that each of these amenities cannot be designed into the neighborhood along with the jail; rather, this is an aspirational configuration. The fact that this urban scheme does not yet exist implies that at least some of these spaces are imagined to be brought in or attracted to the area; the hub is thought to spur development. By advertising a neighborhood in which the Justice Hub is but one resource in an idealized cityscape of convenience and livability, the plan nods to a projected future of this anonymous neighborhood in which the jail joins the existing facilities, brings in new ones, and inspires further development, all to bring "positive change" to the neighborhood, presumably through increased residential and commercial interest in the space. Coupled with the promise of more "trendy"

[167] Masuda and Bookman, "Neighbourhood Branding."

traits like artist studios, gallery space, community gardens and "sustainable initiatives,"[168] the Justice Hub plays into a common narrative of neighborhood change and subsequent gentrification. By identifying the project with this well-established story of neighborhood change premised on desirability, convenience, and consumption, the Justice Hub attempts to not just "brand" but to "rebrand" the jail. Through a kind of "brand management," the report seeks to "create and nurture the narratives" around the jail, in a "slow moving husbandry of existing perceptions" in order to imbue it with a new set of associations, and indeed, a new meaning.[169]

This envisaged future is also compartmentalized in the plan to appeal to different users of the space. The Justice in Design report employs a visual and narrative strategy to demonstrate how different members of the urban community can utilize the agglomeration of resources in different ways, presumably based on their varying needs. Below are the paths of three such characters, out of fourteen that are narrativized in the report (these include: detainee, released detainee, child, college student, local artist, lawyer, family of detainee, correction officer, business owner, community member, friend, teacher, community advocate, and architect).[170] Below are the neighborhood maps pertaining to three categories of user: Figure 4, the detainee; Figure 5, the business owner; and Figure 6, the released detainee.

[168] The Justice in Design report mentions artists and artist studios on pages 9, 30, 31 and LEED certification on page 40.
[169] Julier, Guy. "Urban Designscapes and the Production of Aesthetic Consent." Urban Studies 42, no. 5–6 (May 1, 2005): 869–87. https://doi.org/10.1080/00420980500107474, 872
[170] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 30.

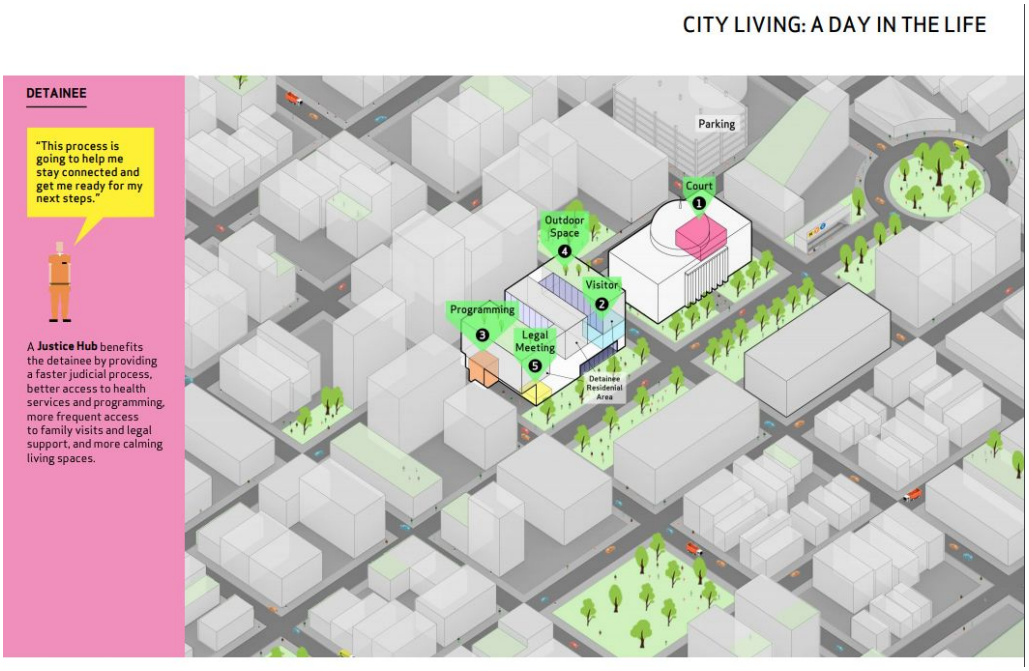


Figure 4: intended spaces for the detainee.

Figure 5: intended spaces for the small business owner.

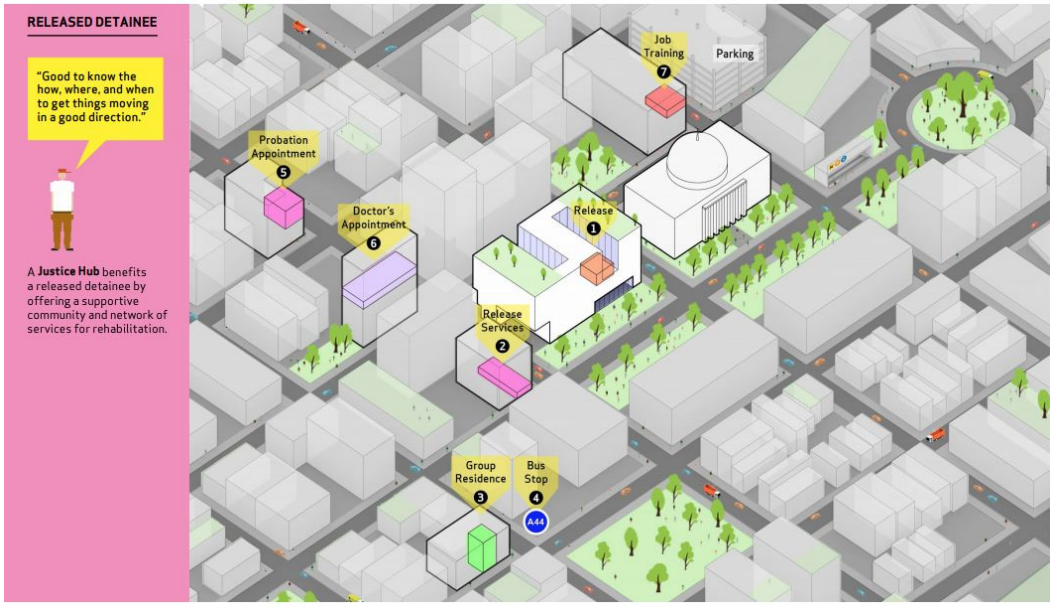


Figure 6: intended spaces for the released detainee.

While it is unsurprising that the detainee's map of the neighborhood is limited to the Justice Hub itself– the jail and the courthouse– these maps visually place the detainee within a matrix of "resources" akin to those available to other actors in the neighborhood. Failing to visually distinguish the experience of the detainee within this imagined urban space, he is painted as just another consumer with necessarily different needs. Visually marking the jailed persons' experience in the same manner as, say, the business owner works to further an image of the neighborhood Justice Hub as equally attractive and resource-rich for any kind of person, regardless of their status as a detained person with no genuine freedom of movement through the neighborhood.

This spatial representation of people and their divergent needs also works to categorize people into different *imagined* states of need, regardless of their status as jailed or free. The maps for the released detainee and the business owner demonstrate that though both parties are nominally not under the immediate supervision of the state, their prospects and potential

resources in the neighborhood are portrayed very differently by these maps. While the business owner is expected to attend to business-related activities (community meeting, employee training, storefront), they are also expected to enjoy positive amenities (day care, dog walking, arts workshop, lunch outside), that do not pertain strictly to their "role" as a business owner. The released detainee, however, who could have been released for any number of reasons– found innocent, released on bail, case dismissed, finished a sentence, to name a few– is confined within this image to spaces that mostly relate directly to their status as an "ex-criminal." Aside from the fact that an individual can be released from jail without having been convicted of a crime, this sort of corralling of perceived needs works to construct the "released detainee" as an exceptional category, in which those released are not expected to make use of spaces of consumption, convenience, or benefit in the same way that someone like the business owner would. Even further, this image works to highlight the fact that those urban amenities are indeed *not intended* for this category of person, and that the "integration" of amenities does not actually beget the integration of the various characters in this report's cast list. The branding of the Justice Hub thus "contribute[s] to the surfacing of a particular neighbourhood lifestyle," or an intended potential type of consumer for different facilities and spaces within it.[171] The Justice in Design report works to create a neighborhood of "integrated" resources that still spatially and materially distances the haves from the have-nots as it constructs intended consumers of different types of urban space, betraying its claims of "civic unity."[172] In this way, the report further elaborates upon its investment in distinct categories of citizens and their respective "correct" or "intended" uses of urban space. Effectively predicting and mapping how different types of people should

[171] Masuda and Bookman, "Neighbourhood Branding."
[172] Van Alen Institute, and Independent Commission on New York City Criminal Justice and Incarceration Reform. "Justice in Design," 9.

and will use public space and public resources, the report constructs a bifurcated New York City. While obscuring the jail for the urban consumer and distinguishing it for the carceral subject, the city and these plans draw distinct yet overlapping maps of urban life: as the justice system becomes embedded in the neighborhood, it both works to concretize inequality by emphasizing distinctions and exclusion for criminalized individuals and their support networks while camouflaging that very same control apparatus via aesthetics, branding, and reformist claims of "dignity" and "care."

Conclusion

This chapter traced the ideological underpinnings of the jail expansion plan and its attempts to visually brand and aesthetically integrate the jail into New York's neighborhoods. Constructing these novel urban jails as a "spatial fix" to the anomalous geographical problem of Rikers Island, the designers of these plans prop up and elaborate upon neoliberal urban politics in New York and the city's entrenched, carcerally-oriented urban epistemology. The plans reveal the embeddedness of mythologies around urban incarceration as a universalized reality, which works to imbue liberal politics with conflicting and even oppositional constructions and outcomes. These fixed imaginaries lead to "dis/juncture" in which maintenance of the underlying logics of mass incarceration become necessary to the very liberal reforms that nominally seek to "decarcerate." The scope of potential futures, then, is limited to constructing what the jail looks like, rather than what it *should be.* Relying solely on existing universals as starting points for future innovation, these designers maintain the jail's integral functionality, in a sense its interior, and work to smooth out the exterior of the jail into a palatable and "useable" face for urban

productivity and neighborhood consumption. Making the jail a desirable space on the street level becomes construed as a question of branding: seeking to construct detention facilities that "an ordinary person would not be afraid of," the aesthetic normalization of modern jails within progressive criminal justice reform ultimately works to hide the jail and its constitutive violence under the guise of popular aesthetic consent. Branding the "Justice Hub" as just another neighborhood amenity in an increasingly commodifiable urban scheme, the reports work to spatially determine which kinds of urbanites are intended to occupy different spaces, and thus employs design, architecture, and the spatiality of the Justice Hub and its surrounding neighborhood to separate the "free" from the "unfree," the "outside" from the "inside," those who "belong" to the neoliberal city from those who do not.

Conclusion
"Fairer": Competing Visions, Expanding Imaginaries

In the late days of January 2019, the Internet exploded with coverage of a disaster at the Metropolitan Detention Center in Sunset Park, Brooklyn. Reports from everyday Twitter users to the *New York Times* revealed that the jail was operating without heat, hot water, or electricity while city temperatures dropped to the single-digits. Those detained at the facility were anxiously calling public defenders, family, and friends, as illness spread and the shuttered commissary prevented them from buying extra layers to stay warm.[173]

[173] Correal, Annie. "No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic.'" The New York Times, February 3, 2019, sec. New York. https://www.nytimes.com/2019/02/01/nyregion/mdc-brooklyn-jail-heat.html.

Protesters demanding heat and electricity be restored at MDC Brooklyn[174]

Throughout the MDC disaster, protesters have shown up – both onsite and online – attempting to hold the New York DOC accountable for what they're calling an ongoing humanitarian crisis. Many have urged the impossibility of trusting the Department of Justice to investigate the causes of and solutions to MDC's problems,[175] as the state continuously reports that the heat and electricity were working while those detained demanded the public know the truth.[176] The popular outrage over the ongoing failures at MDC shows how the violences of incarceration are growing more immediate as New Yorkers reckon with how to understand their

[174] Brand, David. "Activists Resume Efforts Outside Brooklyn Jail After Reported Heat Outages." Queens Daily Eagle. Accessed April 19, 2019. https://queenseagle.com/all/2019/3/4/activists-resume-efforts-outside-brooklyn-jail-after-reported-heat-outages.
[175] Lennard, Natasha. "Why the Justice Department Can't Be Trusted to Investigate Abysmal Conditions in Federal Prisons." The Intercept (blog), February 9, 2019. https://theintercept.com/2019/02/09/mdc-brooklyn-justice-department-investigation/.
[176] Correal, Annie. "How We Learned About the Freezing Federal Jail in New York." The New York Times, February 10, 2019, sec. Reader Center. https://www.nytimes.com/2019/02/09/reader-center/metropolitan-detention-center-cold-jail.html.

city and its justice system. It also, crucially, has exposed that the indignity, cruelty, and shirked accountability traditionally associated with Rikers Island finds purchase in all of the city's carceral spaces.

If the disaster of the MDC is to teach us anything, it's that Rikers Island is not New York City's incarceration problem. It is but a guidepost, an exemplar, of the criminal justice catastrophe– neither its cause nor its only symptom. That basic human needs were and continue to be egregiously ignored within the city's jails, at the same time that the mayor pushes for "humane" jails to be built within neighborhoods, demonstrates the depth of the cognitive dissonance between that which is supposedly advertised and imagined by the state and that which takes place here and now under the state's direction. In sum, it lays bare the wholly empty promise of care in liberal criminal justice reform.

This thesis has sought to expose how the ideological and material dimensions of neoliberal carcerality cohere through the borough-based jail plan. It has sought to unpack the constituent logics and assumptions that undergird liberal criminal justice reform in a neoliberal city, one that is subject to the diffuse quotidian power of mass incarceration. Through examining how de Blasio's plan makes the false promise of a "smaller" jail population the prerequisite to shuttering Rikers Island and ending its excessive violence, I have demonstrated how the ideological predilections of the city– the reliance on a category of excludable and criminalizable civilians– fuses with the spatial and material dimensions of disciplinary power in the form of policing, prediction, and the creation of "guilty space." This fusion represents a capillary expansion of the logics and injustices of the jail from the cell into the city; the jail plan thus marks the street, the neighborhood, indeed the city itself as the collateral damage of a "smaller"

jail system, predicting, inscribing, and *reproducing* incorrigible populations and unassimilable spaces.

In Chapter 2, I analyzed the visual and rhetorical consequences of the jail design proposals: their spatial rationale and their aesthetic project. I showed how reformers' acceptance of both urban commodification and mass incarceration as fixed realities of city life limited their horizons and mired the designs in a socio-spatial present, effectively rendering the concept and integral workings of the jail untouchable. Instead, reformers focus on collapsing the jail, visually, into the urban fabric and rebranding it both at the service of neighborhood consumption and popular complacency around its constituent violence. Once again, the jail plan manifests its insidiousness at the street level by wrapping all users of urban space into its ideological composition. The proposals seek to maintain the "inside" of the jail in direct opposition to the "outside" while utilizing design and aesthetics to simultaneously visually collapse the two categories to the point of popular acceptance and even celebration on the part of the urban consumer.

These strategies and consequences together amount to a disciplining of the city: an increased everyday acceptance of disciplinary power and carceral control as necessary, natural, unquestionable fixtures of urban life. As these various mechanisms work to legitimate penality in hitherto unfamiliar spaces, they embed themselves evermore deeply into collective consciousness in arenas and functionalities that don't, on the surface, appear to be agents of the carceral state. In this way, I argue that the jail plan is ultimately an example of a reformist reform: a change that seeks only to shift carceral power rather than critically reimagine how we

relate to crime, control, and punishment. These reforms expose the state's commitment to the continued selling of the city over a chance at a real "decarcerated" future.

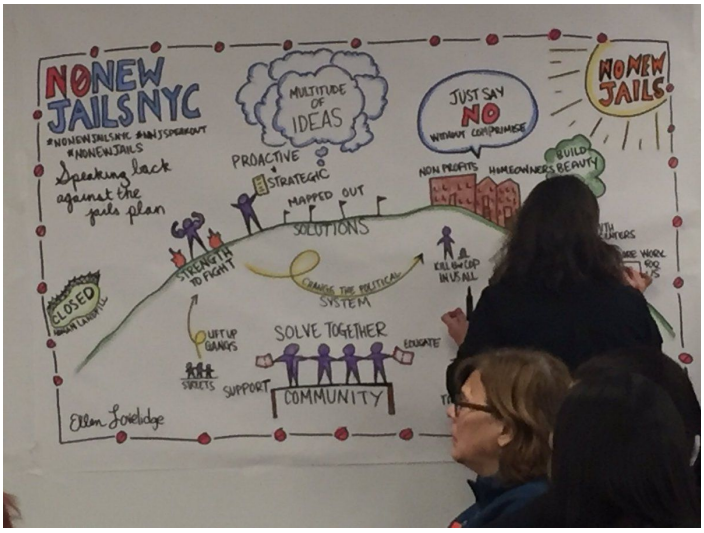
To be sure, as I have argued, material conditions inside New York's jails matter greatly and are of utmost urgency. The crisis at MDC is a principal example of the violence that is enacted everyday on those incarcerated in the city's jails. And in that sense, yes, these design proposals might comparatively improve the embodied experience of being detained in the city's system. But, improving material conditions is not enough, and it certainly cannot be an excuse for shirking our collective existential responsibility to question why we choose to punish, who we choose to cage, and what purpose jails serve us as a city, a country, a people. I join abolitionist organizers in envisioning and demanding a future without prisons, without jails, without detention, without state harm. I believe that if the city was truly invested in its communities and people to the extent that it sought to address the systemic failings that lead to most crime, the state would have to imagine such a future too. Harm begets harm; care begets healing, growth, and possibility. This is ultimately why the limited capacity for imagining new futures is the critical failing of the reformist reforms embodied in the jail plan.

I'd like to end by turning to the people who are powering the resistance to the jail plan, to those who are actively instrumentalizing radical visions for the city. #NoNewJailsNYC, an activist coalition formed to push against the jail expansion plan, urges:

> Rikers must be shut down immediately and permanently, adding new jails won't keep us safe. By transforming our understanding and expectations of accountability, we can make New York City function as a community. A community that provides support, rather than handing out punishment for an arbitrary range of crimes that are chosen to oppress and manipulate Black, Latinx, poor, and working class people, women, trans, and gender-nonconforming communities. We also include people who use drugs, work in the sex trade, or struggle with mental illness, as they represent a majority of those who are

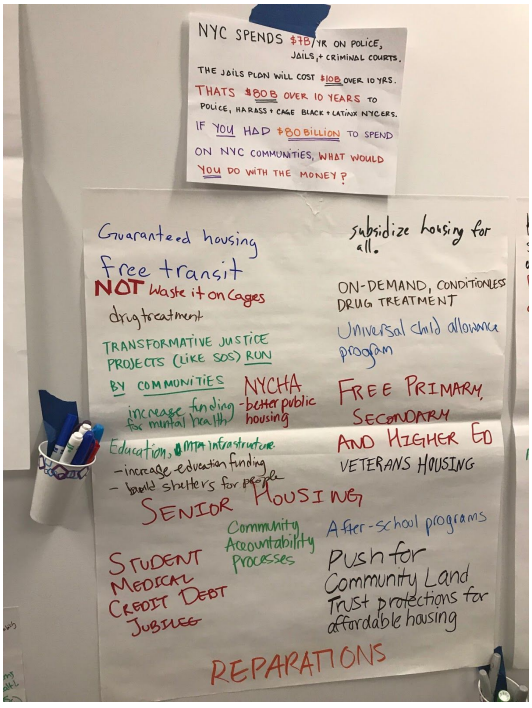
> incarcerated because they are denied resources and support. Without jails, New York City could serve *all* people.[177]

NoNewJails (NNJ) predicates their work on forming and utilizing visions of the city that don't rely on the confines of existing social and spatial relations to determine future possibility. In this way, they present a kind of rage-fueled optimism, a hope for the future that is nurtured by the very fire of the constant crisis, dehumanization, and oppression meted out by the carceral state. I call this optimism because within this abolitionist framework, identified harm is instrumentalized as both areas for action and as future possibility; oppression is both called out, mourned over, and denounced in order to resist and correct it and *used* to construct and imagine more just, nurturing, exciting, generative futures. This angry optimism is highlighted in NNJ's community building work, where they ask community members and organizers to imagine what their community would look like without jails, or what they would do with $7 billion dollars in city funds.[178]



[177] (NNJ Statement: https://twitter.com/nonewjails_nyc/status/1105859961610031106)
[178] *No New Jails NYC. What Would You Do with $1 Billion?* #NoNewJailsNYC. Accessed April 19, 2019. https://www.youtube.com/watch?v=9SYVQaO1zbs.

Mapping possible futures.[179]



What would you do with $7 billion per year?[180]

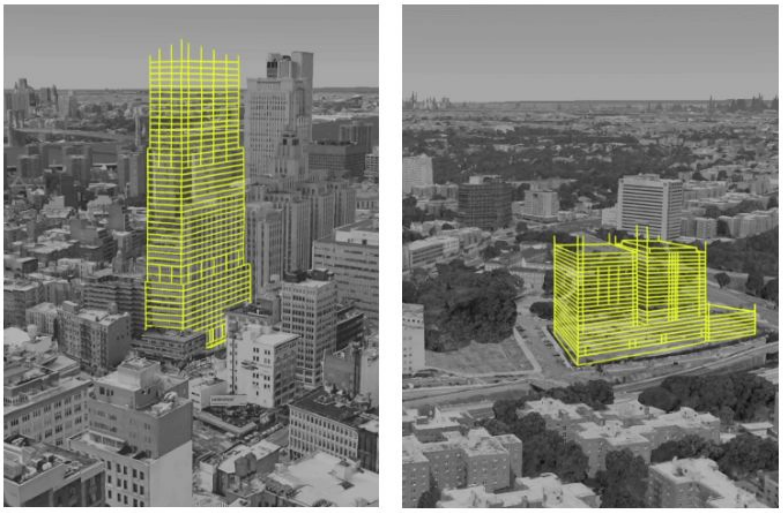
NNJ builds community power by ideologically and spatially by reimagining how carcerality implicates and affects their city. In a sense, they seek to "short-circuit" disciplinary power by mapping the "hidden connections" of the carceral state in "order to visualize them for collective scrutiny."[181] Utilizing techniques that encourage collective envisioning of new horizons, that map the logics of the jail plan onto an understandable terrain of the urban landscape, these activists effectively "countermap" the geographies of the state. Building their own constitutive ideological and spatial logics helps to solidify radically new visions in the face of oppressive liberal reformism. And importantly, we have seen there is reason for their rugged optimism. Just this year, Los Angeles-based activist networks stopped a jail expansion plan in

[179] No New Jails NYC. Twitter Post. March 13, 2019. https://twitter.com/nonewjails_nyc/status/1069368703228264448
[180] No New Jails NYC. Twitter Post. December 7, 2018. https://twitter.com/nonewjails_nyc/status/1071203550280146945
[181] Gill, et al., "Carceral Circuitry."

LA County. Instead of two new jails, the state agreed to build a mental health facility.[182] As New York's own jail expansion plan continues down its projected 10-year timeline, the future is rife for similar interventions if collective horizons are imagined and pushed towards.

Indeed, perhaps the most salient and underemphasized aspect of the borough-based jail plan is its aspirational and uncertain nature. As de Blasio enters his last years in office, his sprawling 10-year implementation timeline looks less and less viable. Moving glacially through the city government approval process, Land Use Review and City Council votes will determine the plan's fate. In this sense, the plan does represent an epic imaginary, one that requires decades, multiple administrations, and multi-pronged approval to come to fruition. The design proposals, too, represent aspirational pictures of neighborhood-jail interaction that don't exist, and likely will not given the chosen locations of the system's new jails. The below renderings emphasize that the scale and context of the proposed jails have little chance of "blending into" their surrounding neighborhoods and achieving the kind of carceral camouflage the plan seeks:

[182]City News Service. "L.A. County Scraps Women's Jail in Lancaster, OKs Downtown Treatment Center – Daily News." LA Daily News, February 12, 2019. https://www.dailynews.com/2019/02/12/l-a-county-scraps-womens-jail-in-lancaster-oks-downtown-treatment-center/.



A rendering of a proposed jail site in Manhattan, on White Street.

Illustration by Alex Moy for The Marshall Project

A rendering of a proposed jail site in Queens, on 82nd Avenue.

Illustration by Alex Moy for The Marshall Project

Rendering of the proposed jail in Manhattan: Left; Rendering of the proposed jail in Queens, Right.[183]

And yet, the very *unrealistic* nature of this fleet of reforms is, in some ways, precisely where we might locate both the plan's very insidiousness *and* its potential for abolitionist reimaginings. If the proposal is self-consciously mired in logistical impossibility, it *purposefully creates* its moral universe, regardless of political acceptance or potential. In this way, the borough-based jail plan seeks to change or sway hearts and minds to buy into and support its logics, in the hope that one day, the imagined future aligns with material possibility. In revealing this investment in exclusion and violence, we uncover the plan's fundamental betrayal of progressive values. In the same vein, however, non-reformist reforms might have the potential to imbue policy and plans with a wholly distinct moral architecture, one that encourages the public to disinvest from these exclusionary taxonomies of urban life and reimagine completely our collective investment in the carceral. Eschewing the common critique that abolition isn't "realistic," we can instead see policy

[183]Chammah, "Inside the Mayor's Plan to Close Rikers."

and plans as potential sites of communal re-association and reimagination, pushing in direct opposition to plans like de Blasio's. Just as reformist reforms seek to slowly but significantly shift public perception and possibility, abolitionist horizons can too shift the poplar epistemic, material, and spatial investments in urban carcerality and injustice.

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